CITY COUNCIL OF MONTEREY PARK
THE CITY COUNCIL ACTING ON BEHALF OF THE SUCCESSOR AGENCY OF THE FORMER REDEVELOPMENT AGENCY, THE HOUSING AUTHORITY, THE MONTEREY PARK FINANCING AUTHORITY AND THE MONTEREY PARK GEOLOGIC HAZARD ABATEMENT DISTRICT
AGENDA

REGULAR CITY COUNCIL MEETING
MONTEREY PARK CITY HALL COUNCIL CHAMBERS
320 W. NEWMARK AVENUE, MONTEREY PARK, CA 91754

Wednesday
September 4, 2024
6:30 p.m.

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community.

LAND ACKNOWLEDGMENT

We would like to acknowledge that the land we inhabit today was once known as Tovangaar, the home of the Gabrieleño-Tongva people. We show our respect to the Gabrieleño-Tongva people, as well as all Indigenous people, past, present, and future, and honor their labor as original caretakers of this land. We commit to uplifting the Gabrieleño-Tongva people, invite you to acknowledge the history, and join us in caring for this land.

GENERAL INFORMATION

Documents related to an Agenda item are available to the public in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and the City's website at http://www.montereypark.ca.gov/AgendaCenter/City-Council-17.

The public may watch the meeting live on the city's cable channel MPKTV (AT&T U-verse, channel 99 or Charter Communications, channel 182) or by visiting the city's website at http://www.montereypark.ca.gov/133/City-Council-Meeting-Videos. Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

PUBLIC PARTICIPATION

You may speak up to 5 minutes on an/each Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Mayor and City Council may change the amount of time allowed for speakers. Written Communication will be accepted up to 24 hours before the meeting via email to mpclerk@montereypark.ca.gov or by completing an online form at www.montereypark.ca.gov/writtencomm.

While all comments are welcome, the Brown Act does not allow the City Council to take action on any item not on the agenda. The Council may briefly respond to comments after Public Communications is closed. Persons may, in addition to any other matter within the City Council's subject-matter jurisdiction, comment on Agenda Items at this time. If you provide public comment on a specific Agenda item at this time, however, you cannot later provide comments at the time the Agenda Item is considered.

CALL TO ORDER **Mayor**
FLAG SALUTE **The Monterey Park Fire Explorer**
ROLL CALL **Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong, Yvonne Yiu**

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS

STAFF COMMUNICATIONS:

- City Clerk's Office
- Library
- Recreation and Community Services

[1.] PRESENTATION

1-A. WARE UPDATES

[2.] OLD BUSINESS – None.

[3.] CONSENT CALENDAR ITEM NOS. 3A-3L

All items under the Consent Calendar are considered by the City Council to be routine and will be enacted by one motion. Specific items may be removed from the Consent Calendar at the request of any member of the City Council for separate consideration.

3-A. 2023-2024 ANNUAL INVESTMENT REPORT

It is recommended that the City Council consider:

(1) Receive and file the 2023-24 Annual Investment Report;
(2) Adopt a resolution authorizing the Treasurer to implement the City's Investment Policy for FY 2024-25; and
(3) Taking such additional, related, action that may be desirable.

3-B. MAK FIRE PROTECTION ENGINEERING AND CONSULTING – PROFESSIONAL SERVICES AGREEMENT

It is recommended that the City Council consider:

(1) Authorizing the City Manager to execute an agreement with MAK Fire Protection Engineering and Consulting, in a form approved by the City Attorney; and
(2) Taking such additional, related, action that may be desirable.

3-C. APPROVING AGREEMENT BETWEEN THE CITY AND THE MONTEREY PARK PROFESSIONAL CHIEF OFFICERS' ASSOCIATION MODIFYING MEMORANDUM OF UNDERSTANDING LANGUAGE FOR THE TERM OF JULY 1, 2023 TO JUNE 30, 2025

It is recommended that the City Council consider:

(1) Authorizing the City Manager to execute Amendment between the City of Monterey Park and the Monterey Park Professional Chief Officers' Association ("MPPCOA") in a form approved by the City Attorney; and
(2) Taking such additional, related, action that may be desirable.

3-D. Library Card Sign-Up Month Resolution

It is recommended that the City Council consider:

(1) Adopting a resolution declaring the month of September 2024 as Library Card Sign-Up Month in Monterey Park,

(2) Taking such additional, related, action that may be desirable.

3-E. AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH COSTAR REALTY INFORMATION, INC. FOR COMMERCIAL REAL ESTATE DATA SUBSCRIPTION SERVICES

It is recommended that the City Council consider:

(1) Authorizing the City Manager to retroactively execute an agreement with CoStar Realty Information Inc. (CoStar), in a form approved by the City Attorney, for an annual subscription to utilize its commercial real estate data services costing approximately $5,040 per year; and

(2) Taking such additional, related, action that may be desirable.

3-F. AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDMENT TO AN AGREEMENT WITH INGRAM KERN CONSULTING, LLC

It is recommended that the City Council consider:

(1) Authorizing the City Manager to execute an amendment to existing Agreement No. 2161-A with Ingram Kern Consulting, LLC (“IK Consulting”) to increase the contract by $73,500 for a total not to exceed amount of $207,920 for professional services related to upgrades to Accela, the City’s permitting system; and

(2) Taking such additional, related, action that may be desirable.

3-G. WAIVE FURTHER READING AND ADOPT ZONING CODE AMENDMENT NO. 24-01 (ZCA-24-01), AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE TO IMPLEMENT THE HOUSING ELEMENT TO THE GENERAL PLAN

It is recommended that the City Council consider:

(1) Waiving the second reading and adopting the proposed ordinance; and

(2) Taking such additional, related, action that may be desirable.

3-H. WAIVE FURTHER READING AND ADOPT AN ORDINANCE ADOPTING AN ENGINEERING AND TRAFFIC SURVEY FOR HELLMAN AVENUE BETWEEN ATLANTIC BOULEVARD AND NEW AVENUE, AND REDUCING THE SPEED LIMIT ON HELLMAN AVENUE, BETWEEN GARFIELD AVENUE AND NEW AVENUE, FROM 35 MPH TO 30 MPH

It is recommended that the City Council consider:

(1) Waiving the second reading and adopting the proposed ordinance; and

(2) Taking such additional, related, action that may be desirable.

3-I. WAIVE SPIRIT BUS FARES FOR CLEAN AIR DAY 2024

It is recommended that the City Council consider:

(1) Waiving Spirit Bus fare for riders on October 2, 2024 in honor of California Clean Air Day; and

(2) Taking such additional, related, action that may be desirable.

3-J. FLORAL DRIVE TRAFFIC IMPROVEMENT – SHORT TERM PLAN

It is recommended that the City Council consider:

(1) Adopting a resolution approving the plans and specifications for the Floral Drive Traffic Improvement Project – Short Term Plan; and

(2) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of the proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). CEQA Guideline § 15301(c) (Existing Facilities) exempts the operation, repair, maintenance, alteration of existing public or private structures which involve negligible or no expansion of existing or former use. The proposed work will occur entirely within an existing structure. Accordingly, no further environmental review is required.

3-K. BRUGGEMEYER LIBRARY IMPROVEMENTS – AUTHORIZE PURCHASE OF 26 NEW HVAC UNITS FROM CARRIER CORPORATION

It is recommended that the City Council consider:

(1) Waiving the bidding requirements pursuant to Monterey Park Municipal Code § 3.20.050(4), and authorizing the City Manager to execute a contract with Carrier Corporation, in a form approved by the City Attorney, not to exceed $332,435.72 for the purchase 26 New HVAC Units for the Bruggemeyer Library;

(2) Authorizing the Director of Public Works to approve change orders and contingency up to $10,000; and

(3) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of the extension under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). CEQA Guidelines §§ 15060(c)(2), 15061(b)(3), and 15378 exempt activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, activities where there is possibility that it may have a significant effect on the environment, and activities that do not constitute a "project" as defined, respectively. This activity contemplates purchasing equipment only. Subsequent installation and construction will be evaluated separately under CEQA. Accordingly, this activity is exempt from further review.

3-L. RECEIVE AND FILE STAFF REPORT SUMMARIZING THE STATUS OF THE EMERGENCY REPAIRS OF THE WATER MAIN AT BRIGHTWOOD STREET AND TERMINATE OF LOCAL EMERGENCY

It is recommended that the City Council consider:

(1) Receiving and filing the staff report summarizing the status of emergency repairs of the water main at Brightwood Street;

(2) Adopting a resolution terminating the local emergency governing the emergency repairs of the water main at Brightwood Street; and

(3) Taking such additional, related, action that may be desirable.

[4.] PUBLIC HEARING

4-A. CONSIDERATION AND POSSIBLE ACTION TO ADOPT A RESOLUTION APPROVING A SECOND ONE-YEAR TIME EXTENSION FOR CONDITIONAL USE PERMIT (CUP-18-01) TO CONSTRUCT 40-UNIT SENIOR CITIZEN HOUSING DEVELOPMENT AT 130-206 SOUTH CHANDLER AVENUE

It is recommended that the City Council consider:

(1) Opening a public hearing to receive documentary and testimonial evidence;

(2) After closing the public hearing and considering the evidence, adopt a resolution approving a time extension for Conditional Use Permit (CUP-18-01); and

(3) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of the extension under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). CEQA Guidelines §§ 15060(c)(2), 15061(b)(3), and 15378 exempt activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, activities where there is possibility that it may have a significant effect on the environment, and activities that do not constitute a "project" as defined, respectively. This activity contemplates extending the expiration date of a conditional use permit. Accordingly, this activity is exempt from further review. Additionally, the environmental impacts regarding this request were adequately reviewed in accordance with the IS/MND adopted by Resolution No. 12135. Consequently, the findings set forth in Section 3 of Resolution No. 12135 are incorporated by reference as if fully set forth.

[5.] NEW BUSINESS – None.

[6.] CITY COMMUNICATIONS (CITY COUNCIL)

6-A. A RESOLUTION OF THE CITY COUNCIL OF MONTEREY PARK, CALIFORNIA, DECLARING AND PROCLAIMING SEPTEMBER 15 THROUGH OCTOBER 15, 2024 AS NATIONAL HISPANIC HERITAGE MONTH

It is recommended that the City Council consider:

(1) Adopting a Resolution of the City Council of Monterey Park, California, declaring and proclaiming September 15 through October 15, 2024 as National Hispanic Heritage Month

(2) Taking such additional, related, action that may be desirable.

[7.] FUTURE AGENDA ITEMS

[8.] CLOSED SESSION (IF REQUIRED; CITY ATTORNEY TO ANNOUNCE)

ADJOURN

City Council Staff Report

DATE: September 4, 2024
AGENDA ITEM NO: Consent Calendar - 3A

TO: The Honorable Mayor and City Council
FROM: Amy Lee, City Treasurer
Martha Garcia, Director of Finance
SUBJECT: 2023-2024 Annual Investment Report

RECOMMENDATION:

It is recommended that the City Council:

1. Receive and file the 2023-24 Annual Investment Report;
2. Adopt a resolution authorizing the Treasurer to implement the City's Investment Policy for FY 2024-25; and
3. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City's Investment Policy requires an annual investment report and a statement of investment policy to be submitted to the City Council for review annually. The attached annual report shows that all investment activities during 2023-24 were conducted according to the City's Fiscal Year 2023-24 Investment Policy.

BACKGROUND:

In Fiscal Year 2023-2024, the City Council adopted a revised Investment Policy that better aligned with the Government Code and industry best practices; allowed for broader diversification within the total portfolio; and earned the California Municipal Treasurers Association Investment Policy Certification.

The investment policy also allows the Treasury Committee to diversify the portfolio while continuing to prioritize safety, liquidity and yield.

INVESTMENTS:

All investment activities during 2023-24 were made according to the FY 2023-2024 Policy. During the year, funds were invested in the Local Agency Investment Fund (LAIF), the Los Angeles County Pooled Investment Fund, Chandler Asset Management and Certificates of Deposit.

> *Local Agency Investment Fund (LAIF)* was created by statute in 1977. It is a pooled investment program for local agencies and special districts to participate. LAIF is managed by the State and investment securities are purchased in accordance with the Government Code Sections 16430 and 16480.4. LAIF has 2,386 participants and $36.8 billion in its portfolio. As of June 30, 2024, the City has $35 million invested with LAIF.

Los Angeles County Pooled Investment Fund (LACPIF) allows local agencies in the County of Los Angeles to deposit funds in the Los Angeles County Treasury Pool for the purpose of investment by the Treasurer and Tax Collector of the County. As of June 30, 2024, the City has $25.3 million invested with LACPIF.

Chandler Asset Management, the City's investment manager, provides client-focused portfolio management focused on safety (principal preservation and risk management) and liquidity followed by a commensurate rate of return while adhering to a designated strategy in compliance with California Government Code Section 53601 and the City's investment policy. As of June 30, 2024, the City has $25.3 million invested with Chandler.

Certificates of Deposits (CD) Certificates of Deposit are timed deposits with banks or savings and loans. Federal Depository Insurance Corporation (FDIC) insures each depositor up to $250,000. The City invests CDs with California State or nationally chartered financial institutions. As of June 30, 2024, the City has thirty-two CDs with $7.6 million invested.

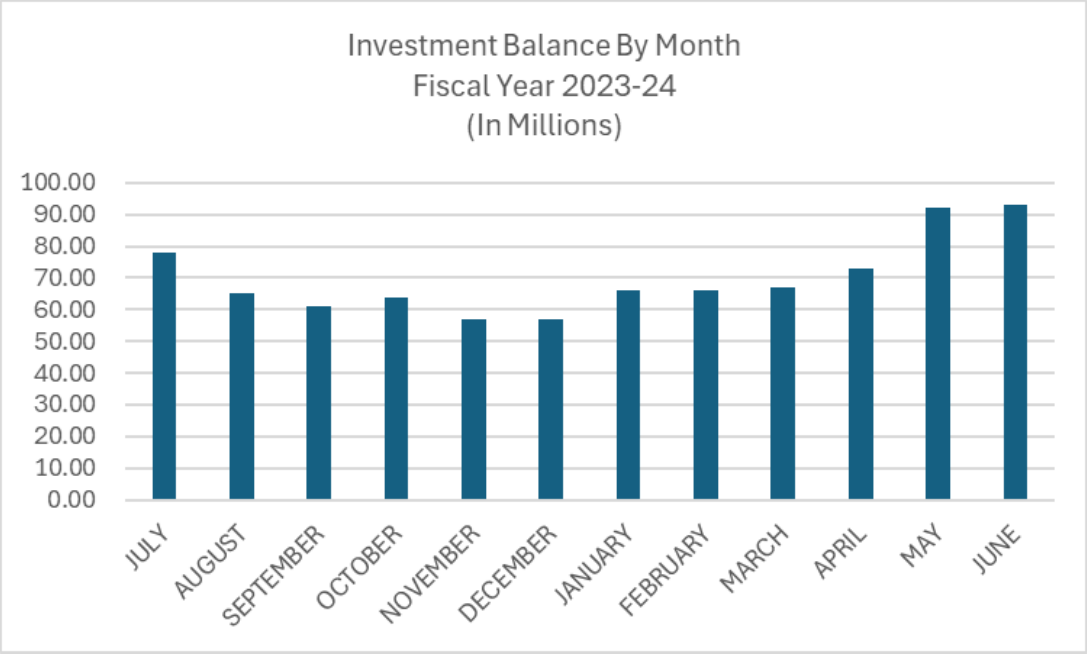
Investment Composition

The City invests idle cash from all operating funds on a pooled basis to maximize returns. Earnings are allocated to each fund based on the average cash balance. The total investment balance for the City as of June 30, 2024 was $93,018,485.26.

Instruments	Balance	Interest Rate	Maturity
LAIF	$ 25,298,908.31	4.180%	1-day
LACPIF	$ 34,999,883.85	4.480%	1-day
Chandler	$ 25,119,693.10	5.01%	2.24 years
CDs	$ 7,600,000.00	0.51% - 2.65%	2 months – 2 years
Total	**$ 93,018,485.26**		

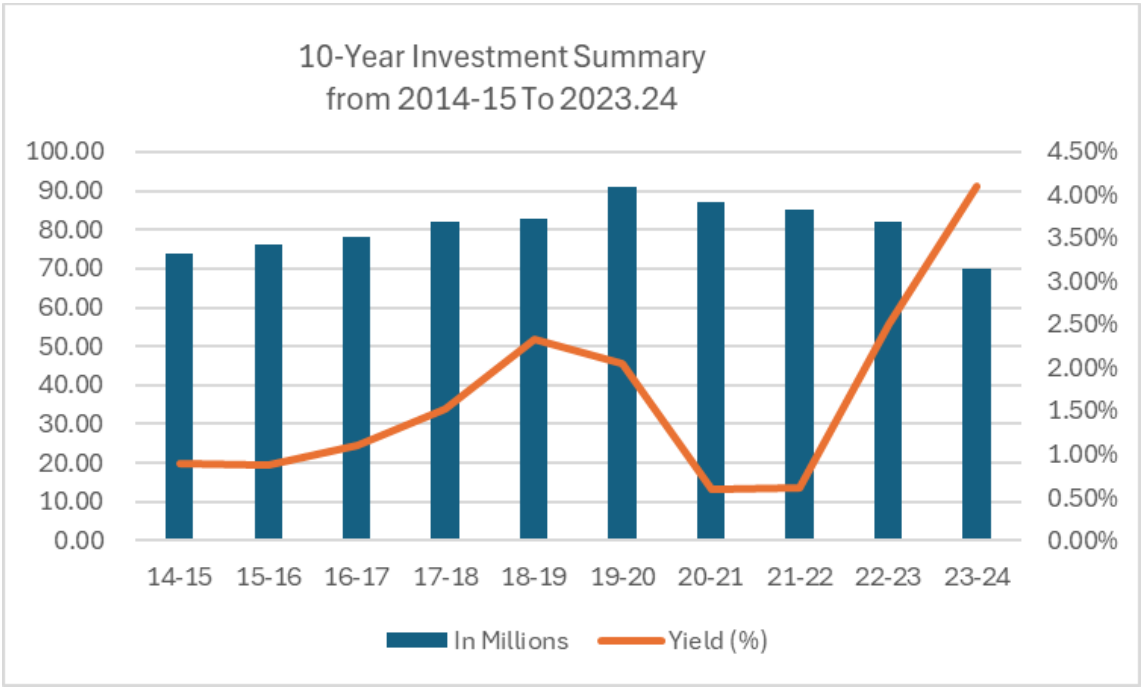
Investment Balance

Timing of revenue collections, such as property tax, business licenses, and franchise tax, affects the monthly investment balance during the year. In 2023-24, monthly investment varied from $57 million to $93 million. The average balance was $70 million.



10-Year City Investment Summary

The chart below shows the City's investment balance, interest income, yield, and the short-term investment rate during the past 10 years. The City's average investment yield for fiscal year 23-24 has exceeded the past 10 years at 4.11%.



Investment Performance

The Fiscal Year 2023-24 interest earning for the City totaled approximately $2.3 million and the average yield for 2023-24 was 4.11%. The City invested 37.63% of its funds into local government investment pools (LAIF), 27.20% into Los Angeles County Pooled Fund (LACPIF), 27% into Chandler Asset Management, and 8.17% into certificates of deposits, which all can be effective mechanisms for obtaining liquidity, diversified portfolios, and competitive yields. The performance from the investment in the LAIF, County pooled funds, Chandler Asset Management, and Certificates of Deposit have provided the City higher investment earnings in 2023-24.

Conclusion

For the Fiscal Year 2024-2025, the Treasury Committee will continue to take a balanced approach consistent with the guidelines of safety, liquidity, and yield as established by the Council adopted Investment Policy. The ultimate goal is to enhance the economic status of the City while protecting its assets.

Respectfully submitted by:

Amy Lee
City Treasurer

Prepared by:

Martha Garcia
Director of Finance

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENTS:

1) Resolution with Exhibit A - Investment Policy

ATTACHMENT 1
Resolution with Exhibit A – Investment Policy

RESOLUTION NO. _____

A JOINT RESOLUTION OF THE CITY OF MONTEREY PARK; THE SUCCESSOR AGENCY TO THE MONTEREY PARK REDEVELOPMENT AGENCY; THE MONTEREY PARK FINANCING AUTHORITY; THE MONTEREY PARK HOUSING AUTHORITY; AND THE GEOLOGIC HAZARD ABATEMENT DISTRICT ADOPTING AN INVESTMENT POLICY AND AUTHORIZING THE TREASURER AND CITY MANAGER TO IMPLEMENT THE POLICY.

The City Council, acting on behalf of the City of Monterey Park, the Successor Agency to the Monterey Park Redevelopment Agency, the Monterey Park Financing Authority, the Monterey Park Housing Authority and the Geologic Hazard Abatement District (collectively, "City Council") does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

A. Government Code § 53646 allows the Treasurer or Finance Director to provide the City Council an investment policy for consideration;

B. Government Code § 53607 confirms the City Council's authority to invest or reinvest funds and, if desirable, to delegate investment authority to the Treasury Committee to implement such authority, on an annual basis; and

C. The Treasurer and Finance Director proposed that the City Council consider the Investment Policy attached as Exhibit "A," and incorporated by reference, for Fiscal Year 2024-25 ("Policy").

SECTION 2: After due consideration, the City Council finds that the Policy conforms with applicable law and adopts it for use during Fiscal Year 2024-25 on behalf of the City of Monterey Park and the Successor Agency to the Monterey Park Redevelopment Agency, the Monterey Park Financing Authority, the Monterey Park Housing Authority and the Geologic Hazard Abatement District (collectively, "City"). The Treasurer and City Manager, upon approval by a majority of the Treasury Committee members, is authorized to implement the Policy for this time period on the City's behalf.

SECTION 3: Supersession of previous investment policies does not affect any penalty, forfeiture, or liability incurred before, or precludes prosecution and imposition of penalties for any violation occurring before this Resolution's effective date. Any such superseded part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 4: The City Clerk is directed to certify the adoption of this Resolution.

SECTION 5: The City Manager, or designee, is authorized to implement this Resolution in accordance with applicable administrative policies and procedures that may be promulgated by the city manager.

SECTION 6: *Electronic Signatures.* Pursuant to Monterey Park Municipal Code § 3.95.020, this Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 7: This Resolution will become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

PASSED AND ADOPTED this 4th day of September 2024

_____
Thomas Wong, Mayor

ATTEST:

_____
Maychelle Yee, City Clerk

APPROVED AS TO FORM:

_____
Karl H. Berger
City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF MONTEREY PARK)

I, MAYCHELLE YEE, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. _____ was duly regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 6th day of September 2023, by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSTAIN:	Councilmembers:
ABSENT:	Councilmembers:

Dated this 6th day of September 2023

_____
Maychelle Yee, City Clerk

EXHIBIT A

City of Monterey Park

Investment Policy

September 2024

CITY OF MONTEREY PARK

INVESTMENT POLICY

ADOPTED September 4, 2024

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I. INTRODUCTION

The purpose of this investment policy is to identify various policies and procedures that will foster a prudent and systematic investment program designed to seek the City of Monterey Park's objectives of safety, liquidity and return on investment through a diversified investment portfolio. This policy also serves to organize and formalize the City's investment-related activities, while complying with all applicable statutes governing the investment of public funds. This policy is written to incorporate industry best practices and recommendations from sources such as the Government Finance Officers Association (GFOA), California Municipal Treasurers Association (CMTA), California Debt and Investment Advisory Commission (CDIAC) and the Association of Public Treasurers (APT).

This investment policy was endorsed and adopted by the City Council and is effective as of the 4th day of September 2024, and replaces any previous versions.

II. SCOPE

This policy covers all funds and investment activities under the direct authority of the City, as set forth in Government Code Sections 53600, *et seq*., with the following exceptions:

- Proceeds of debt issuance must be invested in accordance with the City's general investment philosophy as set forth in this policy; however, such proceeds are to be invested pursuant to the permitted investment provisions of their specific bond indentures.

- Any other funds specifically exempted by the City Council.

POOLING OF FUNDS

Except for cash in certain restricted and special funds, the City will consolidate cash and reserve balances from all funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

III. PRUDENCE

Pursuant to Government Code Section 53600.3, all persons authorized to make investment decisions on behalf of the City are trustees and therefore fiduciaries subject to the *Prudent Investor Standard*:

> "…all governing bodies of local agencies or persons authorized to make investment decisions on behalf of those local agencies investing public funds pursuant to this chapter are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the

general economic conditions and the anticipated needs of the Agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the Agency. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law."

The Treasurer, Director of Finance, and other authorized persons responsible for managing City funds acting in accordance with written procedures and this investment policy and exercising due diligence are relieved of personal liability for an individual security's credit risk or market price changes provided that the Treasurer, Director of Finance, or other authorized persons acted in good faith for investment decisions. Deviations from expectations of a security's credit or market risk should be reported to the governing body in a timely fashion and appropriate action should be taken to control adverse developments.

IV. OBJECTIVES

The City's overall investment program must be designed and managed with a degree of professionalism worthy of the public trust. The overriding objectives of the program are to preserve principal, provide sufficient liquidity, and manage investment risks, while seeking a market-rate of return. Criteria for selecting investments and the order of priority are:

- **SAFETY.** Safety of principal is the foremost objective of the investment program. Investments will be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, the City will diversify its investments by investing funds among a variety of securities with independent returns.

- **LIQUIDITY.** The investment portfolio will remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

- **RETURN ON INVESTMENTS.** The City's investment portfolio will be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints for safety and liquidity needs.

V. DELEGATION OF AUTHORITY

Authority to manage the City's investment program is derived from Government Code Sections 41006 and 53600, *et seq.*

The City Council is responsible for the management of the City's funds, including the administration of this investment policy. Management responsibility for the cash management of the City's funds is delegated to the Director of Finance. The Treasurer may, but it's not required to, opine regarding the prudence of such management. Any such opinion should be in writing and directed to the City Council.

The Director of Finance will be responsible for all transactions undertaken and will establish a system of procedures (Investment Procedures Manual) and controls to regulate the activities of subordinate officials and employees. Such procedures will include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures promulgated by a Treasury Committee may be established by the City Manager and must, at a minimum, consist of the Treasurer, City Manager and Director of Finance.

The City may engage the services of one or more external investment advisers, who are registered under the Investment Advisers Act of 1940, to assist in the management of the City's investment portfolio in a manner consistent with the City's objectives. External investment advisers may be granted discretion to purchase and sell investment securities in accordance with this investment policy.

The City's overall investment program must be designed and managed with a degree of professionalism that is worthy of the public trust. The City Council recognizes that in a diversified portfolio, occasional measured losses may be inevitable and must be considered within the context of the overall portfolio's return and the cash flow requirements of the City.

VI. ETHICS AND CONFLICTS OF INTEREST

All participants in the investment process act as custodians of the public trust. Investment officials recognize that the investment portfolio is subject to public review and evaluation. Consequently, employees and officials involved in the investment process must refrain from personal business activity that could create a conflict of interest or the appearance of a conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

Employees and investment officials must disclose any material interests in financial institutions with which they conduct business, and further disclose any large personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers must refrain from undertaking any personal investment transactions with the same individual with whom business is conducted on behalf of the City.

VII. INTERNAL CONTROLS

The Director of Finance is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft or misuse. The internal control structure must be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

Periodically, as deemed appropriate by the City Council, an independent analysis by an external auditor may be conducted to review internal controls, account activity and compliance with policies and procedures.

VIII. AUTHORIZED FINANCIAL INSTITUTIONS, DEPOSITORIES, AND BROKER/DEALERS

To the extent practicable, the Director of Finance must endeavor to complete investment transactions using a competitive bid process whenever possible. The Treasury Committee will determine which financial institutions are authorized to provide investment services to the City. It is the City's policy to purchase securities only from authorized institutions and firms.

The Director of Finance must ide maintain procedures for establishing a list of authorized broker/dealers and financial institutions which are approved for investment purposes that are selected through a process of due diligence as determined by the City. Due inquiry will determine whether such authorized broker/dealers, and the individuals covering the City are reputable and trustworthy, knowledgeable and experienced in Public Agency investing and able to meet all of their financial obligations. These institutions may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15c3-1 (uniform net capital rule).

In accordance with Government Code Section 53601.5, institutions eligible to transact investment business with the City include:

- Institutions licensed by the state as a broker-dealer.
- Institutions that are members of a federally regulated securities exchange.
- Primary government dealers as designated by the Federal Reserve Bank and non-primary government dealers.
- Nationally or state-chartered banks.
- The Federal Reserve Bank.
- Direct issuers of securities eligible for purchase.

Selection of financial institutions and broker/dealers authorized to engage in transactions will be at the sole discretion of the City, except where the City utilizes an external investment adviser in which case the City may rely on the adviser for selection.

All financial institutions which desire to become qualified bidders for investment transactions (and which are not dealing only with the investment adviser) must supply the Director of Finance with audited financials and a statement certifying that the institution has reviewed Government Code Sections 53600, *et seq*. and the City's investment policy. The Director of Finance will conduct an annual review of the financial condition and registrations of such qualified bidders.

Public deposits will be made only in qualified public depositories as established by California law. Deposits will be insured by the Federal Deposit Insurance Corporation, or, to the extent the amount exceeds the insured maximum, will be collateralized in accordance with California law.

Selection of broker/dealers used by an external investment adviser retained by the City will be at the sole discretion of the investment adviser identified by the City Council. Where possible, transactions with broker/dealers will be selected on a competitive basis and their bid or offering prices will be provided via trade ticket, a record of all the terms, conditions, and basic information of a trade agreement, by the investment advisor. If there is no other readily available competitive offering, best efforts will be made to document quotations for comparable or alternative securities. When purchasing original issue instrumentality securities, no competitive offerings will be required as all dealers in the selling group offer those securities at the same original issue price.

IX. AUTHORIZED INVESTMENTS

The City's investments are governed by Government Code Sections 53600, *et seq*. Within the investments permitted by the Government Code, the City seeks to further restrict eligible investments to the guidelines listed below. In the event a discrepancy is found between this policy and the Government Code, the more restrictive parameters will take precedence. Percentage holding limits listed in this section apply at the time the security is purchased.

Any investment currently held at the time this policy is adopted which does not meet the new policy guidelines can be held until maturity and is exempt from this policy. At the time of the investment's maturity or liquidation, such funds must be reinvested only as provided in this policy.

An appropriate risk level determined by the Government Code must be maintained by primarily purchasing securities that are of high quality, liquid, and marketable. The portfolio must be diversified by security type and institution to avoid incurring unreasonable and avoidable risks regarding specific security types or individual issuers.

1. **MUNICIPAL SECURITIES** include obligations of the City, the State of California and any local agency within the State of California, provided that:

    - The securities are rated in a rating category of "A" or its equivalent or better by at least one nationally recognized statistical rating organization ("NRSRO").
    - No more than 5% of the portfolio may be invested in any single issuer.
    - No more than 30% of the portfolio may be in Municipal Securities.
    - The maximum maturity does not exceed five (5) years.

2. **MUNICIPAL SECURITIES (REGISTERED TREASURY NOTES OR BONDS)** of any of the other 49 states in addition to California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 states, in addition to California.

    - The securities are rated in a rating category of "A" or its equivalent or better by at least one nationally recognized statistical rating organization ("NRSRO").
    - No more than 5% of the portfolio may be invested in any single issuer.
    - No more than 30% of the portfolio may be in Municipal Securities.

- The maximum maturity does not exceed five (5) years.

3. **U.S. TREASURIES** and other government obligations for which the full faith and credit of the United States are pledged for the payment of principal and interest. There are no limits on the dollar amount or percentage that the City may invest in U.S. Treasuries, provided that:

   - The maximum maturity is five (5) years.

4. **FEDERAL AGENCIES** or United States Government-Sponsored Enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises. There are no limits on the dollar amount or percentage that the City may invest in Federal Agency or Government-Sponsored Enterprises (GSEs), provided that:

   - No more than 30% of the portfolio may be invested in any single Agency/GSE issuer.
   - The maximum maturity does not exceed five (5) years.
   - The maximum percent of callable agency securities in the portfolio will be 20%.

5. **BANKER'S ACCEPTANCES,** provided that**:**

   - They are issued by institutions which have short-term debt obligations rated "A-1" or its equivalent or better by at least one NRSRO; or long-term debt obligations which are rated in a rating category of "A" or its equivalent or better by at least one NRSRO.
   - No more than 40% of the portfolio may be invested in Banker's Acceptances.
   - No more than 5% of the portfolio may be invested in any single issuer.
   - The maximum maturity does not exceed 180 days.

6. **COMMERCIAL PAPER**, provided that the securities are issued by an entity that meets all of the following conditions in either paragraph (a) or (b) and other requirements specified below:

   a. **SECURITIES** issued by corporations:

      (i) A corporation organized and operating in the United States with assets more than $500 million.
      (ii) The securities are rated "A-1" or its equivalent or better by at least one NRSRO.
      (iii) If the issuer has other debt obligations, they must be rated in a rating category of "A" or its equivalent or better by at least one NRSRO.

   b. **SECURITIES** issued by other entities:

      (i) The issuer is organized within the United States as a special purpose corporation, trust, or limited liability company.

(ii) The securities must have program-wide credit enhancements including, but not limited to, overcollateralization, letters of credit, or a surety bond.
(iii) The securities are rated "A-1" or its equivalent or better by at least one NRSRO.

- No more than 10% of the outstanding commercial paper of any single issuer.
- No more than 25% of the City's investment assets under management may be invested in Commercial Paper. Under a provision sunsetting on January 1, 2026, no more than 40% of the portfolio may be invested in Commercial Paper if the City's investment assets under management are greater than $100,000,000.
- No more than 5% of the portfolio may be invested in any single issuer.
- The maximum maturity does not exceed 270 days.

7. **NEGOTIABLE CERTIFICATES OF DEPOSIT (NCDS)**, issued by a nationally or state-chartered bank, a savings association or a federal association, a state or federal credit union, or by a federally licensed or state-licensed branch of a foreign bank, provided that:

- The amount of the NCD insured up to the FDIC limit does not require any credit ratings.
- Any amount above the FDIC insured limit must be issued by institutions which have short-term debt obligations rated "A-1" or its equivalent or better by at least one NRSRO; or long-term obligations rated in a rating category of "A" or its equivalent or better by at least one NRSRO.
- No more than 30% of the total portfolio may be invested in NCDs (combined with CDARS).
- No more than 5% of the portfolio may be invested in any single issuer.
- The maximum maturity does not exceed five (5) years.

8. **FEDERALLY INSURED TIME DEPOSITS** (Non-Negotiable Certificates of Deposit) in state or federally chartered banks, savings and loans, or credit unions, provided that:

- The amount per institution is limited to the maximum covered under federal insurance.
- No more than 20% of the portfolio will be invested in a combination of federally insured and collateralized time deposits.
- The maximum maturity does not exceed five (5) years.

9. **COLLATERALIZED TIME DEPOSITS** (Non-Negotiable Certificates of Deposit) in state or federally chartered banks, savings and loans, or credit unions in excess of insured amounts which are fully collateralized with securities in accordance with California law, provided that:

- No more than 20% of the portfolio will be invested in a combination of federally insured and collateralized time deposits.
- The maximum maturity does not exceed five (5) years.

10. **CERTIFICATE OF DEPOSIT PLACEMENT SERVICE (CDARS)**, provided that:

- No more than 30% of the total portfolio may be invested in a combination of Certificates of Deposit, including CDARS.
- The maximum maturity does not exceed five (5) years.

11. **COLLATERALIZED BANK DEPOSITS.** City's deposits with financial institutions will be collateralized with pledged securities per Government Code Section 53651. There are no limits on the dollar amount or percentage that the City may invest in collateralized bank deposits.

12. **REPURCHASE AGREEMENTS** collateralized with securities authorized under the Government Code, maintained at a level of at least 102% of the market value of the Repurchase Agreement. There are no limits on the dollar amount or percentage that the City may invest, provided that:

    - Securities used as collateral for Repurchase Agreements will be delivered to an acceptable third-party custodian.
    - Repurchase Agreements are subject to a Master Repurchase Agreement between the City and the provider of the repurchase agreement. The Master Repurchase Agreement will be substantially in the form developed by the Securities Industry and Financial Markets Association (SIFMA).
    - The maximum maturity does not exceed one (1) year.

13. **STATE OF CALIFORNIA LOCAL AGENCY INVESTMENT FUND (LAIF)**, provided that:

    - The City may invest up to the maximum amount permitted by LAIF.
    - LAIF's investments in instruments prohibited by or not specified in the City's policy do not exclude the investment in LAIF itself from the City's list of allowable investments.

14. **LOCAL GOVERNMENT INVESTMENT POOLS**

    - Other LGIPs permitted by client.
    - There is no issuer limitation for Local Government Investment Pools

15. **CORPORATE MEDIUM TERM NOTES (MTNS)**, provided that:

    - The issuer is a corporation organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States.
    - The securities are rated in a rating category of "A" or its equivalent or better by at least one NRSRO.
    - No more than 30% of the total portfolio may be invested in MTNs.
    - No more than 5% of the portfolio may be invested in any single issuer.
    - The maximum maturity does not exceed five (5) years.

16. **ASSET-BACKED, MORTGAGE-BACKED, MORTGAGE PASS-THROUGH SECURITIES, AND COLLATERALIZED MORTGAGE OBLIGATIONS FROM ISSUERS NOT DEFINED IN**

SECTIONS 3 AND 4 OF THE AUTHORIZED INVESTMENTS SECTION OF THIS POLICY, provided that:

- The securities are rated in a rating category of "AA" or its equivalent or better by a NRSRO.
- No more than 20% of the total portfolio may be invested in these securities.
- No more than 5% of the portfolio may be invested in any single Asset-Backed or Commercial Mortgage security issuer.
- The maximum legal final maturity does not exceed five (5) years.

17. MUTUAL FUNDS AND MONEY MARKET MUTUAL FUNDS that are registered with the Securities and Exchange Commission under the Investment Company Act of 1940, provided that:

a. **MUTUAL FUNDS** that invest in the securities and obligations as authorized under Government Code Section 53601 (a) to (k) and (m) to (q), inclusive, and that meet either of the following criteria:

(i) Attained the highest ranking or the highest letter and numerical rating provided by not less than two (2) NRSROs; or
(ii) Have retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years' experience investing in the securities and obligations authorized by Government Code Section 53601 and with assets under management in excess of $500 million.

- No more than 10% of the total portfolio may be invested in shares of any one mutual fund.

b. **MONEY MARKET MUTUAL FUNDS** registered with the Securities and Exchange Commission under the Investment Company Act of 1940 and issued by diversified management companies and meet either of the following criteria:

(i) Have attained the highest ranking or the highest letter and numerical rating provided by not less than two (2) NRSROs; or
(ii) Have retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years' experience managing money market mutual funds with assets under management in excess of $500 million.

- No more than 20% of the total portfolio may be invested in the shares of any one Money Market Mutual Fund.

c. No more than 20% of the total portfolio may be invested in these securities.

18. SUPRANATIONALS, provided that:

- Issues are US dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank.
- The securities are rated in a rating category of "AA" or its equivalent or better by a NRSRO.
- No more than 30% of the total portfolio may be invested in these securities.
- No more than 10% of the portfolio may be invested in any single issuer.
- The maximum maturity does not exceed five (5) years.

X. PROHIBITED INVESTMENT VEHICLES AND PRACTICES

- California law notwithstanding, any investments not specifically described in this policy are prohibited including, without limitation, futures and options.
- In accordance with Government Code Section 53601.6, investment in inverse floaters, range notes, or mortgage derived interest-only strips is prohibited.
- Investment in any security that could result in a zero interest accrual if held to maturity is prohibited. Under a provision sunsetting on January 1, 2026, securities backed by the U.S. Government that could result in a zero- or negative-interest accrual if held to maturity are permitted.
- Trading securities for the sole purpose of speculating on the future direction of interest rates is prohibited.
- Purchasing or selling securities on margin is prohibited.
- The use of reverse repurchase agreements, securities lending or any other form of borrowing or leverage is prohibited.
- The purchase of foreign currency denominated securities is prohibited.
- Agencies that are not Qualified Institutional Buyers (QIB) as defined by the Securities and Exchange Commission are prohibited from purchasing Private Placement Securities. The SEC defines a QIB as having at least $100,000,000 in securities owned and invested.
- The purchase of a security with a forward settlement date exceeding 45 days from the time of the investment is prohibited.

XI. INVESTMENT POOLS/MUTUAL FUNDS

The City must conduct a thorough investigation of any pool or mutual fund before making an investment, and on a continual basis thereafter. The Treasury Committee must develop a questionnaire which will answer the following general questions:

- A description of eligible investment securities, and a written statement of investment policy and objectives.
- A description of interest calculations and how it is distributed, and how gains and losses are treated.
- A description of how the securities are safeguarded (including the settlement processes), and how often the securities are priced and the program audited.

- A description of who may invest in the program, how often, what size deposit and withdrawal are allowed.
- A schedule for receiving statements and portfolio listings.
- Are reserves, retained earnings, etc. utilized by the pool/fund?
- A fee schedule, and when and how is it assessed.
- Is the pool/fund eligible for bond proceeds and/or will it accept such proceeds?

XII. COLLATERALIZATION

CERTIFICATES OF DEPOSIT (CDS). The City requires any commercial bank or savings and loan association to deposit eligible securities with an agency of a depository approved by the State Treasurer's Office which regulates banks in California. [WHAT IS THIS?] to secure any uninsured portion of a Non-Negotiable Certificate of Deposit. The value of eligible securities as defined pursuant to Government Code Section 53651, pledged against a Certificate of Deposit must be equal to 150% of the face value of the CD if the securities are classified as mortgages and 110% of the face value of the CD for all other classes of security.

COLLATERALIZATION OF BANK DEPOSITS. This is the process by which a bank or financial institution pledges securities, or other deposits for the purpose of securing repayment of deposited funds. The City requires any bank or financial institution to comply with the collateralization criteria defined in Government Code Section 53651.

REPURCHASE AGREEMENTS. The City requires that Repurchase Agreements be collateralized only by securities authorized in accordance with the Government Code:

- The securities which collateralize the repurchase agreement shall be priced at Market Value, including any Accrued Interest plus a margin. The Market Value of the securities that underlie a repurchase agreement shall be valued at 102% or greater of the funds borrowed against those securities.
- Financial institutions shall mark the value of the collateral to market at least monthly and increase or decrease the collateral to satisfy the ratio requirement described above.
- The City must receive monthly statements of collateral.

XIII. DELIVERY, SAFEKEEPING AND CUSTODY

DELIVERY-VS.-PAYMENT (DVP). All investment transactions must be conducted on a delivery-versus-payment basis.

SAFEKEEPING AND CUSTODY. To protect against potential losses due to failure of individual securities dealers, and to enhance access to securities, interest payments and maturity proceeds, all cash and securities in the City's portfolio must be held in safekeeping in the City's name by a third-party custodian, acting as agent for the City under the terms of a custody agreement executed by the bank and the City. All investment transactions will require a safekeeping receipt or acknowledgment generated from the trade. A monthly

report will be received by the City from the custodian listing all securities held in safekeeping with current market data and other information.

The only exceptions to the foregoing shall be depository accounts and securities purchases made with: (i) local government investment pools; (ii) time certificates of deposit, and, (iii) mutual funds and money market mutual funds, since these securities are not deliverable.

XIV. MAXIMUM MATURITY

To the extent possible, investments must be matched with anticipated cash flow requirements and known future liabilities.

The City will not invest in securities maturing more than five (5) years from the date of trade settlement, unless the City Council has by resolution or minute order granted authority to make such an investment.

XV. RISK MANAGEMENT AND DIVERSIFICATION

MITIGATING CREDIT RISK IN THE PORTFOLIO

Credit risk is the risk that a security or a portfolio will lose some or all its value due to a real or perceived change in the ability of the issuer to repay its debt. The City will mitigate credit risk by adopting the following strategies:

- The diversification requirements included in the "Authorized Investments" section of this policy are designed to mitigate credit risk in the portfolio.
- No more than 5% of the total portfolio may be deposited with or invested in securities issued by any single issuer unless otherwise specified in this policy.
- The City may elect to sell a security before its maturity and record a capital gain or loss in order to manage the quality, liquidity or yield of the portfolio in response to market conditions or City's risk preferences.
- If a security owned by the City is downgraded to a level below the requirements of this policy, making the security ineligible for additional purchases, the following steps will be taken:
    - Any actions taken related to the downgrade by the investment adviser will be communicated to the Treasury Committee in a timely manner.
    - If a decision is made to retain the security, the credit situation will be monitored and reported to the City Council by the Treasurer.

MITIGATING MARKET RISK IN THE PORTFOLIO

Market risk is the risk that the portfolio value will fluctuate due to changes in the general level of interest rates. The City recognizes that, over time, longer-term portfolios have the potential to achieve higher returns. On the other hand, longer-term portfolios have higher

volatility of return. The City will mitigate market risk by providing adequate liquidity for short-term cash needs, and by making longer-term investments only with funds that are not needed for current cash flow purposes.

The City further recognizes that certain types of securities, including variable rate securities, securities with principal paydowns before maturity, and securities with embedded options, will affect the market risk profile of the portfolio differently in different interest rate environments. The City, therefore, adopts the following strategies to control and mitigate its exposure to market risk:

- The City will maintain a minimum of six months of budgeted operating expenditures in short term investments to provide sufficient liquidity for expected disbursements.
- The maximum stated final maturity of individual securities in the portfolio will be five (5) years, except as otherwise stated in this policy.

- The duration of the portfolio will generally be approximately equal to the duration (typically, plus or minus 20%) of a Market Benchmark, an index selected by the City based on the City's investment objectives, constraints and risk tolerances.

XVI. REVIEW OF INVESTMENT PORTFOLIO

The Treasurer and Director of Finance must periodically, but no less than quarterly, review the portfolio to identify investments that do not comply with this investment policy and establish protocols for reporting major and critical incidences of noncompliance to the City Council.

XVII. PERFORMANCE EVALUATION

The investment portfolio shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the City's risk constraints, the cash flow characteristics of the portfolio, and state and local laws, ordinances or resolutions that restrict investments.

The Treasurer and Director of Finance must monitor and evaluate the portfolio's performance relative to the chosen market benchmark(s), which will be included in the Treasurer and Director of Finance's quarterly report. The Treasurer and Director of Finance shall select an appropriate, readily available index to use as a market benchmark.

XVIII. REPORTING

MONTHLY REPORTS

Monthly transaction reports will be submitted by the Treasurer to the City Council within 30 days of the end of the reporting period in accordance with Government Code Section 53607.

QUARTERLY REPORTS

The Treasurer will submit a quarterly investment report to the City Council which provides full disclosure of the City's investment activities within 45 days after the end of the quarter. These reports will disclose, at a minimum, the following information about the City's portfolio:

1. An asset listing showing par value, cost and independent third-party fair market value of each security as of the date of the report, the source of the valuation, type of investment, issuer, maturity date and interest rate.

2. Transactions for the period.

3. A description of the funds, investments and programs (including lending programs) managed by contracted parties (i.e. LAIF; investment pools, outside money managers and securities lending agents)

4. A one-page summary report that shows:
   a. Average maturity of the portfolio and modified duration of the portfolio;
   b. Maturity distribution of the portfolio;
   c. Percentage of the portfolio represented by each investment category;
   d. Average portfolio credit quality; and,
   e. Time-weighted total rate of return for the portfolio for the prior one month, three months, twelve months and since inception compared to the City's market benchmark returns for the same periods;

5. A statement of compliance with investment policy, including a schedule of any transactions or holdings which do not comply with this policy or with the Government Code, including a justification for their presence in the portfolio and a timetable for resolution.

6. A statement that the City has adequate funds to meet its cash flow requirements for the next six months.

ANNUAL REPORTS

A comprehensive annual report will be presented to the City Council by the Treasurer. This report will include comparisons of the City's return to the market benchmark return, suggest policies and improvements that might enhance the investment program, and will include an investment plan for the coming year.

XIX. REVIEW OF INVESTMENT POLICY

The investment policy will be reviewed and adopted at least annually within 120 days of the end of the fiscal year, to ensure its consistency with the overall objectives of preservation of principal, liquidity and return, and its relevance to current law and financial and economic trends.

Any recommended modifications or amendments must be presented by the Director of Finance to the City Council for its consideration and potential adoption.

AGENCIES. Shorthand market terminology for any obligation issued by *a government-sponsored entity (GSE),* or a *federally related institution*. Most obligations of GSEs are not guaranteed by the full faith and credit of the US government. Examples are:

FFCB. The Federal Farm Credit Bank System provides credit and liquidity in the agricultural industry. FFCB issues discount notes and bonds.

FHLB. The Federal Home Loan Bank provides credit and liquidity in the housing market. FHLB issues discount notes and bonds.

FHLMC. Like FHLB, the Federal Home Loan Mortgage Corporation provides credit and liquidity in the housing market. FHLMC, also called "FreddieMac" issues discount notes, bonds and mortgage pass-through securities.

FNMA. Like FHLB and FreddieMac, the Federal National Mortgage Association was established to provide credit and liquidity in the housing market. FNMA, also known as "FannieMae," issues discount notes, bonds and mortgage pass-through securities.

GNMA. The Government National Mortgage Association, known as "GinnieMae," issues mortgage pass-through securities, which are guaranteed by the full faith and credit of the US Government.

PEFCO. The Private Export Funding Corporation assists exporters. Obligations of PEFCO are not guaranteed by the full faith and credit of the US government.

TVA. The Tennessee Valley Authority provides flood control and power and promotes development in portions of the Tennessee, Ohio, and Mississippi River valleys. TVA currently issues discount notes and bonds.

ASSET BACKED SECURITIES. Securities supported by pools of installment loans or leases or by pools of revolving lines of credit.

AVERAGE LIFE. In mortgage-related investments, including CMOs, the average time to expected receipt of principal payments, weighted by the amount of principal expected.

BANKER'S ACCEPTANCE. A money market instrument created to facilitate international trade transactions. It is highly liquid and safe because the risk of the trade transaction is transferred to the bank which "accepts" the obligation to pay the investor.

BENCHMARK. A comparison security or portfolio. A performance benchmark is a partial market index, which reflects the mix of securities allowed under a specific investment policy.

BROKER. A broker brings buyers and sellers together for a transaction for which the broker receives a commission. A broker does not sell securities from their own position.

CALLABLE. A callable security gives the issuer the option to call it from the investor prior to its maturity. The main cause of a call is a decline in interest rates. If interest rates decline, the issuer will likely call its current securities and reissue them at a lower rate of interest.

CERTIFICATE OF DEPOSIT (CD). A time deposit with a specific maturity evidenced by a certificate.

CERTIFICATE OF DEPOSIT ACCOUNT REGISTRY SYSTEM (CDARS). A private placement service that allows local agencies to purchase more than $250,000 in CDs from a single financial institution (must be a participating institution of CDARS) while still maintaining FDIC insurance coverage. CDARS is currently the only entity providing this service. CDARS facilitates the trading of deposits between the California institution and other participating institutions in amounts that are less than $250,000 each, so that FDIC coverage is maintained.

COLLATERAL. Securities or cash pledged by a borrower to secure repayment of a loan or repurchase agreement. Also, securities pledged by a financial institution to secure deposits of public monies.

COLLATERALIZED BANK DEPOSIT. A bank deposit that is collateralized at least 100% (principal plus interest to maturity). The deposit is collateralized using assets set aside by the issuer such as Treasury securities or other qualified collateral to secure the deposit in excess of the limit covered by the Federal Deposit Insurance Corporation.

COLLATERALIZED MORTGAGE OBLIGATIONS (CMO). Classes of bonds that redistribute the cash flows of mortgage securities (and whole loans) to create securities that have different levels of prepayment risk, as compared to the underlying mortgage securities.

COLLATERALIZED TIME DEPOSIT. Time deposits that are collateralized at least 100% (principal plus interest to maturity). These instruments are collateralized using assets set aside by the issuer such as Treasury securities or other qualified collateral to secure the deposit in excess of the limit covered by the Federal Deposit Insurance Corporation.

COMMERCIAL PAPER. The short-term unsecured debt of corporations.

COUPON. The rate of return at which interest is paid on a bond.

CREDIT RISK. The risk that principal and/or interest on an investment will not be paid in a timely manner due to changes in the condition of the issuer.

DEALER. A dealer acts as a principal in security transactions, selling securities from and buying securities for their own position.

DEBENTURE. A bond secured only by the general credit of the issuer.

DELIVERY VS. PAYMENT (DVP). A securities industry procedure whereby payment for a security must be made at the time the security is delivered to the purchaser's agent.

DERIVATIVE. Any security that has principal and/or interest payments which are subject to uncertainty (but not for reasons of default or credit risk) as to timing and/or amount, or any security which represents a component of another security which has been separated from other components ("Stripped" coupons and principal). A derivative is also defined as a financial instrument the value of which is totally or partially derived from the value of another instrument, interest rate, or index.

DISCOUNT. The difference between the par value of a bond and the cost of the bond, when the cost is below par. Some short-term securities, such as T-bills and banker's acceptances, are known as discount securities. They sell at a discount from par and return the par value to the investor at maturity without additional interest. Other securities, which have fixed coupons, trade at a discount when the coupon rate is lower than the current market rate for securities of that maturity and/or quality.

DIVERSIFICATION. Dividing investment funds among a variety of investments to avoid excessive exposure to any one source of risk.

DURATION. The weighted average time to maturity of a bond where the weights are the present values of the future cash flows. Duration measures the price sensitivity of a security to changes interest rates.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC). The Federal Deposit Insurance Corporation (FDIC) is an independent federal agency insuring deposits in U.S. banks and thrifts in the event of bank failures. The FDIC was created in 1933 to maintain public confidence and encourage stability in the financial system through the promotion of sound banking practices.

FEDERALLY INSURED TIME DEPOSIT. A time deposit is an interest-bearing bank deposit account that has a specified date of maturity, such as a certificate of deposit (CD). These deposits are limited to funds insured in accordance with FDIC insurance deposit limits.

LEVERAGE. Borrowing funds in order to invest in securities that have the potential to pay earnings at a rate higher than the cost of borrowing.

LIQUIDITY. The speed and ease with which an asset can be converted to cash.

LOCAL AGENCY INVESTMENT FUND (LAIF). A voluntary investment fund open to government entities and certain non-profit organizations in California that is managed by the State Treasurer's Office.

LOCAL GOVERNMENT INVESTMENT POOL. Investment pools that range from the State Treasurer's Office Local Agency Investment Fund (LAIF) to county pools, to Joint Powers Authorities (JPAs). These funds are not subject to the same SEC rules applicable to money market mutual funds.

MAKE WHOLE CALL. A type of call provision on a bond that allows the issuer to pay off the remaining debt early. Unlike a call option, with a make whole call provision, the issuer makes a lump sum payment that equals the net present value (NPV) of future coupon payments that will not be paid because of the call. With this type of call, an investor is compensated, or "made whole."

MARGIN. The difference between the market value of a security and the loan a broker makes using that security as collateral.

MARKET RISK. The risk that the value of securities will fluctuate with changes in overall market conditions or interest rates.

MARKET VALUE. The price at which a security can be traded.

MATURITY. The final date upon which the principal of a security becomes due and payable. The investment's term or remaining maturity is measured from the settlement date to final maturity.

MEDIUM TERM NOTES. Unsecured, investment-grade senior debt securities of major corporations which are sold in relatively small amounts on either a continuous or an intermittent basis. MTNs are highly flexible debt instruments that can be structured to respond to market opportunities or to investor preferences.

MODIFIED DURATION. The percent change in price for a 100-basis point change in yields. Modified duration is the best single measure of a portfolio's or security's exposure to market risk.

MONEY MARKET. The market in which short-term debt instruments (T-bills, discount notes, commercial paper, and banker's acceptances) are issued and traded.

MONEY MARKET MUTUAL FUND. A mutual fund that invests exclusively in short-term securities. Examples of investments in money market funds are certificates of deposit and U.S. Treasury securities. Money market funds attempt to keep their net asset values at $1 per share.

MORTGAGE PASS-THROUGH SECURITIES. A securitized participation in the interest and principal cash flows from a specified pool of mortgages. Principal and interest payments made on the mortgages are passed through to the holder of the security.

MUNICIPAL SECURITIES. Securities issued by state and local agencies to finance capital and operating expenses.

MUTUAL FUND. An entity which pools the funds of investors and invests those funds in a set of securities which is specifically defined in the fund's prospectus. Mutual funds can be invested in various types of domestic and/or international stocks, bonds, and money market instruments, as set forth in the individual fund's prospectus. For most large, institutional investors, the costs associated with investing in mutual funds are higher than the investor can obtain through an individually managed portfolio.

NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION (NRSRO).

A credit rating agency that the Securities and Exchange Commission in the United States uses for regulatory purposes. Credit rating agencies provide assessments of an investment's risk. The issuers of investments, especially debt securities, pay credit rating agencies to provide them with ratings. The three most prominent NRSROs are Fitch, S&P, and Moody's.

NEGOTIABLE CERTIFICATE OF DEPOSIT (CD). A short-term debt instrument that pays interest and is issued by a bank, savings or federal association, state or federal credit union, or state-licensed branch of a foreign bank. Negotiable CDs are traded in a secondary market.

PRIMARY DEALER. A financial institution (1) that is a trading counterparty with the Federal Reserve in its execution of market operations to carry out U.S. monetary policy, and (2) that participates for statistical reporting purposes in compiling data on activity in the U.S. Government securities market.

PRUDENT PERSON (PRUDENT INVESTOR) RULE. A standard of responsibility which applies to fiduciaries. In California, the rule is stated as "Investments shall be managed with the care, skill, prudence and diligence, under the circumstances then prevailing, that a prudent person, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims to accomplish similar purposes."

REPURCHASE AGREEMENT. Short-term purchases of securities with a simultaneous agreement to sell the securities back at a higher price. From the seller's point of view, the same transaction is a reverse repurchase agreement.

SAFEKEEPING. A service to bank customers whereby securities are held by the bank in the customer's name.

SECURITIES AND EXCHANGE COMMISSION (SEC). The U.S. Securities and Exchange Commission (SEC) is an independent federal government agency responsible for protecting investors, maintaining fair and orderly functioning of securities markets and facilitating capital formation. It was created by Congress in 1934 as the first federal regulator of securities markets. The SEC promotes full public disclosure, protects investors against fraudulent and manipulative practices in the market, and monitors corporate takeover actions in the United States.

SECURITIES AND EXCHANGE COMMISSION SEC) RULE 15C3-1. An SEC rule setting capital requirements for brokers and dealers. Under Rule 15c3-1, a broker or dealer must have sufficient liquidity in order to cover the most pressing obligations. This is defined as having a certain amount of liquidity as a percentage of the broker/dealer's total obligations. If the percentage falls below a certain point, the broker or dealer may not be allowed to take on new clients and may have restrictions placed on dealings with current client.

STRUCTURED NOTE. A complex, fixed income instrument, which pays interest, based on a formula tied to other interest rates, commodities or indices. Examples include inverse floating rate notes which have coupons that increase when other interest rates are falling, and which fall when other interest rates are rising, and "dual index floaters," which pay interest based on the relationship between two other interest rates - for example, the yield on the ten-year Treasury note minus the Libor rate. Issuers of such notes lock in a reduced cost of borrowing by purchasing interest rate swap agreements.

SUPRANATIONAL. A Supranational is a multi-national organization whereby member states transcend national boundaries or interests to share in the decision making to promote economic development in the member countries.

TOTAL RATE OF RETURN. A measure of a portfolio's performance over time. It is the internal rate of return, which equates the beginning value of the portfolio with the ending value; it includes interest earnings, realized and unrealized gains, and losses in the portfolio.

U.S. TREASURY OBLIGATIONS. Securities issued by the U.S. Treasury and backed by the full faith and credit of the United States. Treasuries are considered to have no credit risk and are the benchmark for interest rates on all other securities in the US and overseas. The Treasury issues both discounted securities and fixed coupon notes and bonds.

TREASURY BILLS. All securities issued with initial maturities of one year or less are issued as discounted instruments and are called Treasury bills. The Treasury currently issues three- and six-month T-bills at regular weekly auctions. It also issues "cash management" bills as needed to smooth out cash flows.

TREASURY NOTES. All securities issued with initial maturities of two to ten years are called Treasury notes and pay interest semi-annually.

TREASURY BONDS. All securities issued with initial maturities greater than ten years are called Treasury bonds. Like Treasury notes, they pay interest semi-annually.

YIELD TO MATURITY. The annualized internal rate of return on an investment which equates the expected cash flows from the investment to its cost.

City Council Staff Report

DATE: September 4, 2024
AGENDA ITEM NO: Consent Calendar - 3B

TO: The Honorable Mayor and City Council
FROM: Chris Thompson, Fire Chief
SUBJECT: MAK Fire Protection Engineering and Consulting – Professional Services Agreement

RECOMMENDATION:
It is recommended that the City Council consider:

1. Authorizing the City Manager to execute an agreement with MAK Fire Protection Engineering and Consulting, in a form approved by the City Attorney; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:
The Fire Department seeks City Council consideration to authorize the City Manager to execute a Professional Services Agreement with MAK Fire Protection Engineering and Consulting Inc. for plan check services for the Fire Prevention Division.

BACKGROUND:
Over the last eight years, MAK Fire Protection Engineering and Consulting, Inc. ("MAK") has provided exemplary plan check services for the Fire Prevention Division in the Fire Department. The owner/operator of MAK has been employed in the fire service since 2000, and has an extensive background, including a Bachelor's degree in Aerospace Engineering, a Master's Degree in Fire Protection Technology, State licensure as a Professional Engineer in Fire Protection Engineering, and experience working with the Insurance Services Officer ("ISO"), where he was responsible for providing fire safety and loss control engineering reports. His combined education, and experience greatly benefit the Fire Prevention Division.

MAK has consistently provided plan check services in a timely and efficient manner. However, due to the increase in new development throughout the City, staff is recommending increasing the contract with MAK to account for the needed plan check services.

Costs for MAK's services are paid by developers during their plan review and are enumerated on the City's Master Schedule of Fees. Current rates are $85 per hour plus $2 per fire device. Architectural plan reviews are $255 per hour with a minimum of two hours. Expedited services are billed at the $255 rate plus $100. Fire protection system

fees include a single recheck; all other plan rechecks are billed at $100. There are no funds from the City used for these services and no impact to the General Fund.

FISCAL IMPACT:

The cost for these services is to be paid by the developer and charged as approved in the City of Monterey Park's Master Schedule of Fees. Plan Check expenditures are derived from the following account:101-3205-5211. The total cost for MAK Fire Protection Engineering and Consulting, Inc. will not exceed $75,000 in a fiscal year.

Respectfully submitted by:

Chris Thompson
Fire Chief

Prepared by:

Rebecca Bojorquez
Principal Management Analyst

Reviewed by:

Martha Garcia
Director of Finance

Approved by:

Inez Alvarez
City Manager

Approved as to form: Karl H. Berger, City Attorney

Solange Fortenbach
DeputyCity Attorney

City Council Staff Report

DATE: September 4, 2024

AGENDA ITEM NO: Consent Calendar - 3C

TO: The Honorable Mayor and City Council

FROM: Christine Tomikawa, Director of Human Resources and Risk Management

SUBJECT: Approving Agreement between the City and the Monterey Park Professional Chief Officers' Association modifying Memorandum of Understanding language for the term of July 1, 2023 to June 30, 2025

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute Amendment between the City of Monterey Park and the Monterey Park Professional Chief Officers' Association ("MPPCOA") in a form approved by the City Attorney; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Council authorized an additional Battalion Chief position during the Fiscal Year 2023-2024 budget process. The City of Monterey Park ("City") and MPPCOA met and conferred to amend the Memorandum of Understanding ("MOU") language to incorporate language related to a 40-hour Battalion Chief position. The agreed upon MOU language provides different hourly rates of pay, leave accruals, and overtime hours.

BACKGROUND:

The MPPCOA MOU has limited language related to a 40-hour Battalion Chief position. The recommended MOU amendment provides clarification on salary, leave accruals, and potential overtime formulas since the 40-hour Battalion Chief works a different work schedule compared to the suppression shift Battalion Chief ("BC") positions.

A suppression shift BC works 2,910 hours in a year and a 40-hour BC works 2,080 hours in a year. The annual salary for the BC stays the same but the hourly rate is different based on the number of hours worked in a year. Based on the change in hours worked for a 40-hour BC position, the leave accruals are adjusted accordingly as well. A 40-hour BC position was approved to assist the Fire Chief with administrative duties for the Fire Department which means attending meetings after normal working hours and on weekends. The agreed upon MOU language provides the 40-hour BC with an additional 16 hours of Administrative Leave. Based on Fair Labor Standards Act (FLSA), overtime

is calculated differently for a 40-hour BC position compared to a suppression shift BC position. The 40-hour BC position can fill in for a suppression shift BC as needed in an overtime capacity and the amended MOU language addresses the overtime situations.

Representatives from the City and MPPCOA negotiated and agreed upon the amended MOU language.

FISCAL IMPACT:

The fiscal impact is the additional 16 hours of administrative leave for the 40-hour BC position.

Respectfully submitted by:

Christine Tomikawa
Director of Human Resources
and Risk Management

Reviewed by:

Martha Garcia
Director of Finance

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENTS:

1. Monterey Park Professional Chief Officers' Association - amendment

ATTACHMENT 1
Monterey Park Professional Chief Officers' Association - Amendment

FIRST AMENDMENT TO
MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF MONTEREY PARK AND
THE MONTEREY PARK PROFESSIONAL CHIEF OFFICERS' ASSOCIATION

THIS FIRST AMENDMENT ("Amendment") is made and entered into this day of ____ 20___, by and between the CITY OF MONTEREY PARK ("CITY") and the MONTEREY PARK PROFESSIONAL CHIEF OFFICERS' ASSOCIATION ("PCOA"). The Parties agree as follows:

1. **RECITAL**. In accordance with Resolution No. 2023-R50, adopted June 23, 2023, the Parties entered into a Memorandum of Understanding for the 2023-25 Fiscal Years governing wages, retirement funding, and the terms/conditions of employment ("MOU").

2. **AMENDMENTS AND SIDE LETTERS.** A review of the MOU demonstrates that while the Parties contemplated that the MOU could be amended, such intent was not memorialized within the MOU itself. Consequently, the Parties agree to add the following sections to Article 28 – GENERAL PROVISIONS:

> "E. The parties hereto agree this MOU cannot be modified, changed, and/or canceled in any way, except by mutual written consent of said parties as set forth in this MOU.
>
> F. The parties acknowledge the provisions of the MOU require a close degree of cooperation between the parties. The need to modify the MOU and/or clarify the intent or application of some MOU provisions may arise during the term of this MOU. If such need arises, the parties may make such modifications, refinements and/or adjustments through the use of a Side Letter or a Letter of Agreement ("LOA"). The use and content of any such Side Letter or LOA must be mutually agreed upon by the parties, executed in writing, attached to this MOU as an addendum, and become a part hereof.
>
> G. LOA's will be used for the purpose of clarification of existing MOU provisions with no substantive or economic change to the MOU. LOA's may be executed on behalf of the City by the City Manager.
>
> H. Side Letters may be used to amend the MOU. Such amendments may or may not have a substantive and/or economic impact. Side letters with insignificant or no economic impact to the City, as determined by the City Manager after consultation with the City Attorney, may be executed on behalf of the City by the Personnel Officer and the City Manager. Side letters with a significant economic impact to the City, as determined by the City Manager, may be tentatively agreed to by the Personnel Officer and the City Manager, in a form approved by the City Attorney, but will have no force and effect whatsoever unless or until approved by City Council."

3. **RECOGNITION**. Article 2- RECOGNITION is amended in its entirety to read as follows:

A. "The Monterey Park Professional Chief Officers' Association (PCOA) is hereby recognized as the exclusive Recognized Employee Organization for those employees occupying the job classification of Fire Battalion Chief and 40 Hour Fire Battalion Chief.

B. 40 hour Fire Battalion Chief (BC) assignment is a twenty four consecutive month assignment (from date amendment approved) with an option to extend per the Fire Chief. The Fire Chief will request BC incumbents (not on probation status) to submit a memo of interest and participate in an internal selection process for the 40 hour BC assignment. The Fire Chief, at his/her/their sole discretion, will assign a non-probationary BC to the 40 hour assignment based on qualifications/results from the internal selection process. The Fire Chief has the ability to reassign incumbents in the 40 hour BC assignment as needed and the Fire Chief provides advance notice.

C. The Monterey Park Professional Chief Officers' Association (PCOA) is hereby recognized as the exclusive Recognized Employee Organization for those employees occupying the job classification of Fire Battalion Chief and 40 Hour Fire Battalion Chief."

4. **VACATION AND HOLIDAYS**. Article 8 – VACATION AND HOLIDAYS is amended to read as follows:

"* * *

A. VACATION PROGRAM

* * *

3. Sworn Fire Members Assigned to a Forty-Hour Week (including 40 Hour Fire Battalion Chief): An employee covered under this MOU, who is required to work a forty-hour workweek, with the exception of temporary appointments, shall accumulate vacation with pay as follows:

After one (1) year of paid service, vacation leave with pay shall be granted each permanent employee at the rate of eighty (80) hours each year. Additional vacation leave with pay shall be granted at the rate of eight (8) hours each year, beginning with the employee's sixth (6th) anniversary. Maximum vacation per year is one hundred-ninety two (192) hours.

4. INTENTIONALLY OMITTED. ~~Sworn Fire members assigned to a twenty-four hour shift may, annually during any fiscal year, elect to cash out up to 6 shifts (144 hours) of vacation time. The effective date(s) of any such cash-out is to be determined by the employee.~~

~~Sworn Fire members assigned to a forty-hour workweek may, annually during any fiscal year, elect to cash out up to seventy-two (72) hours of vacation time. The effective date(s) of any such cash-out to be determined by the employee.~~

5. Each December, employees who wish to cash out vacation hours must submit an irrevocable election form, by no later than December 15th, to cash-out up to 144 hours of vacation leave, that may accrue in the following calendar year. (The limit is 72 hours for sworn fire employees assigned to a forty-hour workweek, including 40 Hour Fire Battalion Chief). The cash-out is available only for hours to be accrued in the calendar year following submission of the irrevocable election form and which have not been used.

   The payment shall be made via payroll with the last paycheck in the following December after receipt of the irrevocable election form.

   Employees who do not submit an irrevocable election form by December 15th will be deemed as foregoing participation in the optional annual leave cash-out program for that following calendar year.

   In the event an employee has less hours in their leave bank at the time the cash-out is to be paid than they had previously elected to cash-out, the employee shall only be paid for the amount that was accrued that calendar year that is remaining in their designated leave bank at the time of the actual cash-out.

   If an employee makes an irrevocable election to cash-out leave in the following calendar year and uses leave during that subsequent calendar year, the leave used may come from leave the employee had earned (if any) prior to January 1st of the calendar year the employee had elected to cash-out and/or in the same calendar year. The employee's use of earned, but unused leave accumulated from previous calendar years shall not result in a reduction in the amount of leave hours the employee is eligible to cash-out.

* * *

B. HOLIDAYS

* * *

2. Employees assigned to a forty hour work schedule receive time off (same holiday closures as City Hall) for the following holidays:

* * *

In addition, employees assigned to a forty hour work schedule (including 40 Hour Fire Battalion Chief) receive two floating holidays. Floating holiday hours have a maximum

accrual of thirty-two (32) hours. Once employees reach the maximum, no additional hours accrue until the use of leave reduces the accrual below thirty-two."

5. **SICK LEAVE**. Article 9 – SICK LEAVE is amended as follows:

"Sick Leave with pay shall be granted to every full-time employee who has been continuously employed for a period of time in excess of 30 days. Effective the pay period that includes January 1, 2020, the hours of sick leave earned by each employee annually will be reduced from one-hundred forty-four (144) hours to ~~ninety-six (96)~~one-hundred twenty (120) hours per year to allow twenty-four ~~forty-eight~~ hours at regular rate of pay to be used for a new Retiree Health Savings Plan (see Article 17, page 15 for the Retiree Health Savings Plan). The ~~forty-eight (48)~~twenty-four (24) hour contribution shall be prorated at the rate of ~~four (4)~~two (2) hours per month. Employees assigned to a 40 hour work schedule, including the 40 Hour Fire Battalion Chief, shall accrue one hundred three (103) hours of sick leave, of which forty-eight (48) hours shall be contributed back to the City at the rate of four (4) hours per month, leaving fifty-five (55) hours for the employee's use."

* * *

C. Sick Leave Cash Out

* * *

b. Beginning July 1, 2012, with the establishment of the 12 hour per month sick leave accrual and sick leave maximum of 800 hours, a new sick leave bank (Bank 2) was established. Employees assigned to a forty (40) hour schedule, including the 40 Hour Fire Battalion Chief, shall accrue sick leave at the rate of nine (9) hours per month, with a maximum cap in Bank 2 of five hundred seventy one (571) hours.

c. Every December, employees who wish to cash out sick leave hours must submit an irrevocable election form, by no later than December 15th, to cash-out up to 144 hours of sick leave that may accrue in the following calendar year. (The limit is 72 hours for employees assigned to a forty-hour work schedule, including the 40 Hour Fire Battalion Chief.) The cash-out is for hours to be accrued in the calendar year following the submission of the irrevocable election form. The payment shall be made via payroll with the last paycheck in the following December after receipt of the irrevocable election form.

* * *"

6. **ADMINISTRATIVE LEAVE**. Article 14 – ADMINISTRATIVE LEAVE is amended as follows:

"A. Represented FLSA exempt employees covered under this MOU shall receive 48 hours of Administrative Leave each July 1. Incumbent assigned to the 40 hour Battalion Chief position shall receive 56 hours of Administrative Leave each July 1.

* * *"

7. **SALARIES AND WAGES**. Article 21 – SALARIES AND WAGES is amended as follows:

"SALARY RANGES

* * *

B. Effective beginning with the first full pay period starting after July 1, 2023 or Council approval of this MOU whichever is later, the salary range for Battalion Chief will be increased by 1.5%.

Effective beginning with the first full pay period after July 1, 2024, the salary range for Battalion Chief will be increased by 1.5%.

The base hourly rate for the 40 Hour Fire Battalion Chief classification shall be subject to a conversion factor of approximately 1.4 times the hourly rate for 24 hour shift employees, and will be reflected on the City's salary schedule as a separate classification. The annual salary range for the 40 Hour Fire Battalion Chief classification shall be the same as that for 24 hour shift employees.

* * *"

8. **WORK SCHEDULE**. Article 22 – WORK SCHEDULE is amended in its entirety to read as follows:

"The basic work schedule for employees assigned to Fire Suppression is eight 24-hour shifts in a 24-day work period which amounts to an average of 1221 (122 in a leap year) work shifts per year. ~~The basic work schedule for employees assigned to Fire Prevention is forty (40) hours per week.~~ This work schedule shall be hereinafter referred to as the 48/96 or 56-hour shift. Battalion Chiefs working the 48/96 or 56-hour shift schedule work 2910 regularly scheduled hours per year. The basic work schedule for employees assigned to a forty-hour work schedule, including ~~the~~ 40 Hour Battalion Chief ~~and Battalion Chiefs assigned to Fire Administration is~~ is(4) 10 hour shifts in a seven-day period. This work schedule shall be hereinafter referred to as the 4/10 or 40-hour shift. Battalion Chiefs working the 4/10 work 2080 hours per year."

9. **FSLA**. Article XX – FAIR LABOR STANDARDS ACT is amended in its entirety to read as follows:

"ARTICLE ~~XX~~ 23.5 – FAIR LABOR STANDARDS ACT

A. 7K Exemption. The City of Monterey Park has exercised its ability to take statutory "7K" exemption for sworn personnel, including employees assigned to work a forty—(40)

hour work schedule, including ~~the~~ 40 Hour Fire Battalion Chief~~. and Battalion Chiefs assigned Fire Prevention .~~ The FLSA 7K work period for such employees assigned to suppression positions, including ~~the~~ 40 Hour Fire Battalion Chiefwhen assigned to suppression duties, ~~and Battalion Chiefs assigned to Fire Prevention~~, shall be twenty-four (24) days. The 7K exemption and 24 day work period are established for purposes of calculating MOU overtime, as Battalion Chiefs, including those on forty (40) hour work schedule including the 40 Hour Battalion Chief are FLSA exempt.

B. Overtime (Fire Suppression). Hours worked by fire suppression employees, including the 40 Hour Fire Battalion Chief when assigned fire suppression duties, and Battalion Chiefs assigned to Fire Prevention, in excess of the standard work period of one hundred and eighty-two (182) hours in a twenty-four (24) ~~day cycle~~work period shall be compensated at the MOU overtime rate of time and one-half his/her regular rate of pay. When the 40 Hour Battalion Chief is assigned to suppression duties, the 40 Hour Battalion Chief shall be paid at the lower 56 hour rate for all hours worked performing suppression duties. Overtime will accrue only if the 40 Hour Battalion Chief works in excess of the standard work period of one hundred and eighty-two (182) hours (suppression and non-suppression combined) in the twenty-four (24) work period in which the suppression duties are performed. Overtime premium for the 40 Hour Battalion Chief shall be calculated using 56 hour schedule salary for purposes of calculating the FLSA regular rate of pay."

C. Overtime for Strike Team Assignment. Notwithstanding the above, when Battalion Chiefs are assigned to a strike team the City is reimbursed at time and one-half of the employee's regular rate of pay. Accordingly, Battalion Chiefs working the 56-hour shift schedule assigned to a strike team are entitled to an MOU overtime rate of time and one-half of the employee's regular rate of pay when so assigned. 40 Hour Battalion Chiefs assigned to a strike team are entitled to an MOU overtime rate calculated using the 56-hour schedule salary when so assigned, so long as the employee has worked in excess of the standard work period of one hundred and eighty-two (182) hours (suppression and non-suppression combined) in the twenty-four (24) day work period in which the strike team assignment occurs.

10. **COUNTERPARTS**. This Amendment may be executed in any number or counterparts, each of which will be an original, but all of which together constitutes one instrument executed on the same date.

11. **NO OTHER CHANGES.** Except as modified by this Amendment, all other terms and conditions of the MOU remain the same.

12. **CITY COUNCIL APPROVAL.** Pursuant to Article 34 of the MOU, this First Amendment may be approved and ratified by the City Council via minute order.

IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF MONTEREY PARK

_____
Inez Alvarez,
City Manager

ATTEST:

_____
Maychelle Yee, City Clerk

APPROVED AS TO FORM:

_____
Karl H. Berger, City Attorney

PCOA

_____
Ryan Weddle, Battalion Chief Representative

City Council Staff Report

DATE: September 4, 2024

AGENDA ITEM NO: Consent Calendar - 3D

TO: The Honorable Mayor and City Council

FROM: Kristin Olivarez, City Librarian

SUBJECT: Library Card Sign-Up Month Resolution

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a resolution declaring the month of September 2024 as Library Card Sign-Up Month in Monterey Park,
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Monterey Park Bruggemeyer Library is celebrating the month of September as Library Card Sign-Up Month. Since 1987, Library Card Sign-up Month has been held each September to mark the beginning of the school year. During the month, the American Library Association and libraries unite in a national effort to encourage everyone to register for a free card at their local public library.

FISCAL IMPACT:

None.

Respectfully submitted by:

Kristin Olivarez
City Librarian

Approved by:

Inez Alvarez
City Manager

ATTACHMENT:

1. Draft Resolution

ATTACHMENT 1
Draft Resolution

RESOLUTION NO.

A RESOLUTION DECLARING THE MONTH OF SEPTEMBER AS LIBRARY CARD SIGN-UP MONTH.

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

A. Libraries are essential for the education and development of children, offering everything from storytimes to college and career planning resources for high school students, nurturing literacy and a love for reading.

B. Libraries provide welcoming and inclusive spaces where individuals from all backgrounds can learn and connect, bridging cultural, ethnic, generational, and economic divides, and strengthening the social fabric of their communities.

C. Libraries are committed to creating and maintaining diverse programs and collections that reflect the communities they serve, ensuring equitable access for all.

D. Libraries assist people of all ages in navigating life's complexities, offering access to research, information, and government services that enhance productivity and fulfillment.

E. Libraries boost the local economy by providing critical access to technology and training for job-seekers, entrepreneurs, and students.

F. During times of crisis, libraries and their staff play a vital role in supporting communities both in-person and virtually.

G. The shared resources provided by libraries help households save money, conserve resources, and reduce waste, offering a simple way to make a positive impact.

H. A library card ignites creativity and empowers individuals to explore new interests and pursue lifelong learning.

I. Libraries uphold democracy by promoting civic engagement and the free exchange of information and ideas for all.

J. Be it resolved that the City of Monterey Park officially proclaims the month of September 2024 Library Card Sign-Up Month.

SECTION 2: *Electronic Signatures*. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will

be treated in all respects as having the same effect as an original signature.

SECTION 3: *Recordation*. The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 4: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 4th day of September, 2024.

_____
Thomas Wong, Mayor

Attest:

_____
Maychelle Yee, City Clerk

City Council Staff Report

DATE: September 4, 2024
AGENDA ITEM NO: Consent Calendar - 3E

TO: The Honorable Mayor and City Council

FROM: Jessica Serrano, Director of Community Development

SUBJECT: Authorize the City Manager to Execute an Agreement with CoStar Realty Information, Inc. for Commercial Real Estate Data Subscription Services

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to retroactively execute an agreement with CoStar Realty Information Inc. (CoStar), in a form approved by the City Attorney, for an annual subscription to utilize its commercial real estate data services costing approximately $5,040 per year; and
2. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

The City of Monterey Park's Economic Development Division requires comprehensive and reliable commercial real estate data to support business attraction and retention efforts and other initiatives of the Division. After evaluating various commercial real estate subscription platforms, the Community Development Director determined that CoStar's data and analytical capabilities best meet the City's needs.

BACKGROUND:

Comprehensive commercial real estate data and analytics is critical for the City's economic development initiatives, including supporting business attraction and retention efforts, by analyzing market trends, identifying potential development sites, analyzing industry clusters and trends, and informing policy decisions.

Monterey Park Municipal Code ("MPMC") § 3.20.050(2) allows for exceptions to informal bidding requirements when there are circumstances demonstrating that a vendor is best qualified to provide the service. In this case, the Community Development Director determined that CoStar provides the services and data that best address the City's specific needs, therefore, making it the best qualified vendor.

The Community Development Director evaluated available commercial real estate data platforms, including Loopnet, Crexi, CommercialCafe, and Brevitas. While these platforms offer some relevant features, they lack the depth and breadth of CoStar's product. CoStar is the best qualified and meets the City's needs because:

- **Data Coverage:** CoStar provides comprehensive coverage of commercial listings, lease comparables, sales data, and market analytics, which is used to identify potential development sites, among other initiatives.
- **Analytical Tools:** CoStar's platform offers analytical tools that produce easily accessible reports with information such as traffic counts, and income and spending demographics, which are useful for business attraction efforts.
- **Data Insights:** CoStar's research and analysis provides educational information on emerging trends, industry developments, and market drivers that are essential for making informed decisions.

FISCAL IMPACT:

The annual subscription fee for CoStar is $5,040. Funds for this item have been budgeted in the Economic Development Division FY 2024-2025 budget. No additional funds are required.

Respectfully submitted by:

Jessica Serrano
Director of Community Development

Prepared by:

Joseph Torres
Economic Development Manager

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Justin A. Tamayo
Deputy City Attorney

ATTACHMENT:

1. CoStar Quote

ATTACHMENT 1
CoStar Quote

CoStar
License Agreement

FOR INTERNAL ONLY: (Ref ID) 2665792
AE: David Ballou
Location ID: 3964115
Business Code: Government

CoStar™

BILL TO:			
Licensee: City of Monterey Park			Location ID: 3964115
Address: 320 W Newmark Ave		City/State/Zip: Monterey Park, CA 91754	
Telephone: (626) 307-1458			
Bill-To Contact: Joseph Torres		Email for Bill-To Contact: jtorres@montereypark.ca.gov	
USE:		BILLING CYCLE:	
Total No. Listings:	0	☑ Monthly ☐ Semi-Annually	
Total No. Sites:	1	☐ Quarterly ☐ Yearly	
Total No. Authorized Users (All Sites):	1		
TERM:			
One Year Initial Term			
INVOICE TYPE/BILLING PREFERRED:		**START DATE:**	
Single Invoice		Delayed start date for all service offerings: July 1, 2024.	

SERVICES

Site	Market	Product Description	Monthly License Fees (Before Tax)
3964115	All Data	CoStar Suite	$440.00
		Total Monthly Fees From Additional Schedule of Services:	
		Discount:	
		Total Monthly License Fees:	$440.00
		Discounted Monthly License Fees:	

Notes: This Agreement supersedes the agreement between the above-named Customer/Licensee and CoStar/Licensor dated 6/23/2022 relating to the provision of CoStar services, except for those terms that survive termination and any outstanding license fees.

This License Agreement incorporates by reference the Terms and Conditions for the services identified above (available at: https://www.costar.com/CoStarTerms-and-Conditions) and any addenda attached hereto between CoStar Realty Information, Inc. ("CoStar") and the above-named Licensee, and establishes the terms and conditions under which CoStar will license the products set forth in this License Agreement. The Terms and Conditions are an integral part of the License Agreement being formed hereby. In addition, use of any CoStar product is subject to the website Terms of Service/Use ("Website Terms of Use") available online for each applicable service provided under this License Agreement. Licensee agrees to comply with such Website Terms of Use and to regularly review them for updates and changes. To the extent a conflict exists, this License Agreement shall govern over such Website Terms of Use. Terms used on this License Agreement and not otherwise defined shall have the meanings set forth in the applicable Terms and Conditions.

In the event Licensee does not execute this License Agreement by 6/30/2024, this License Agreement shall become null and void; however, if both parties execute and commence performance of their duties and obligations under this License Agreement after such date, this License Agreement shall continue in full force and effect and be binding on the parties. The person executing this License Agreement on behalf of Licensee represents and warrants that he or she has been authorized to do so and that all necessary actions required for the execution have been taken. CoStar hereby provides notice that only an authorized officer of CoStar or its parent company can execute this License Agreement on behalf of CoStar. Delivery of an executed signature page to this License Agreement by electronic means shall be effective and constitute a legal and binding agreement between the parties.

CoStar

By:	
Name:	Scott Wheeler
Title:	Chief Financial Officer
Date:	Jun 10, 2024
Address:	1331 L St NW
Address:	Washington, DC 20005-4101

City of Monterey Park

Signature:	
Print Name:	
Title:	City Manager
Date:	
Address:	320 W Newmark Ave
Address:	Monterey Park, CA 91754

City Council Staff Report

DATE: September 4, 2024

AGENDA ITEM NO: Consent Calendar - 3F

TO:	The Honorable Mayor and City Council
FROM:	Jessica Serrano, Director of Community Development
SUBJECT:	Authorize the City Manager to Execute an Amendment to an Agreement with Ingram Kern Consulting, LLC

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute an amendment to existing Agreement No. 2161-A with Ingram Kern Consulting, LLC ("IK Consulting") to increase the contract by $73,500 for a total not to exceed amount of $207,920 for professional services related to upgrades to Accela, the City's permitting system; and
2. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

The Community Development Director requests that the City Council to authorize the City Manager to execute an amendment to existing Agreement No. 2161-A with IK Consulting, increasing the contract amount by $73,500 for a total not to exceed amount of $207,920 for professional services related to upgrades to Accela, the City's permitting system. The term for this agreement is set to expire May 31, 2027.

BACKGROUND:

In 2013, the City transitioned from Permit Plus to its current permitting software, Accela, which is utilized by the Fire, Public Works and Community Development Departments. IK Consulting is an Accela subcontractor responsible for providing technical support for Accela. Initially, the City was paying for IK Consulting services through Accela, but in 2015, the City began contracting directly with IK Consulting as a cost saving measure. Since then, IK Consulting has assisted the City by providing technical support for Accela such as ongoing maintenance, fixing malfunctions, updating fees, and system upgrades, among others.

Staff is requesting to add $73,500 to the existing agreement for the following services:

One-Stop Building Permit Center: IK Consulting has been assisting the City with this streamlining initiative through software upgrades to add an online portal enabling customers to submit their building applications online and integrating electronic plan review software into Accela. This initiative has been phased out over the past four years beginning with the most common types of building applications which went live in March

2023 and continuing ongoing integration of the next set of building application types, which is estimated to go live December 2025.

Solar APP+ Integration: On June 20, 2023, the City secured a $60,000 grant from the California Energy Commission's *California Automated Permit Processing* (CalAPP) Grant Program to assist with the integration Solar APP+, an online, automated solar permitting system. IK Consulting is assisting with the integration of Solar APP+ and Accela to streamline permit issuance for solar systems. This ongoing work is being paid out of the CalAPP Program Grant and is estimated to go live March 2025.

Invoice Cloud Integration: In January 2024, the City began deployment of Invoice Cloud to streamline payment options for residents and patrons. IK Consulting is assisting the City with integrating Invoice Cloud with Accela to enhance convenience for customers enabling them to submit and pay for building permits through one online portal. This work is ongoing as part of the streamlining upgrades and Solar APP+ integration and is estimated to go live December 2025.

Training: In an effort to enable in-house technical support for Accela, IK Consulting is going to conduct a series of training sessions from September 2024 to December 2025 for staff from the Finance, Fire, Public Works and Community Development Departments.

Ongoing Regular Maintenance/Repairs: Until such time that City staff is fully trained, IK Consulting services will be needed for regular maintenance and repairs, and completion of ongoing work as previously described.

The additional requested contract amount of $70,000 is broken down as follows:

Scope	Status	Funding Source	Amount
Streamlining Upgrades – Phase 3	Ongoing - estimated to go live December 2025	Budgeted for fiscal year 2024-2025	$17,400
Accela Technical Support Training	Not Started - scheduled for September 2024 – June 2025	Budgeted for fiscal year 2024-2025	$14,400
SolarAPP+ Integration	Ongoing – estimated to go live March 2025	CalAPP Program Grant	$27,600
Ongoing Regular Maintenance and Repairs	Not Started – only as needed	To be requested as needed	$10,600
5% contingency			$3,500
		Total	$73,500

2024-25 STRATEGIC PLAN GOAL:

This contract with IK Consulting meets the City's goal to strengthen our local economy and enhance housing opportunities by enabling streamlined workflows, improving

customer service, and providing greater transparency in the City's permitting process which will facilitates construction and allows businesses to open quicker.

FISCAL IMPACT:

Funds for this item have been budgeted in the Finance and Community Development Departments for fiscal year 2024-2025. No additional funding is requested at this time.

Respectfully submitted by:

Jessica Serrano
Director of Community Development

Reviewed by:

Martha Garcia
Director of Finance

Approved by:

Name
City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENT:

1. IK Consulting Rate Sheet
2. IK Consulting Quotes

ATTACHMENT 1
IK Consulting Rate Sheet

IK CONSULTING, LLC
Post Office Box 17661
Tucson, AZ 85731
(520) 891-5376
admin@ikcpartners.com
www.ikcpartners.com

ADDRESS
Monterey Park, CA
320 W. Newmark Ave
Monterey Park, CA 91754

Estimate IK-MP0824

DATE 08/22/2024

EXPIRATION DATE 11/30/2024

PROJECT
Hourly Assistance (each hour)

ACTIVITY	QTY	RATE	AMOUNT
August 2024			
Accela Civic Platform Services Hourly General Assistance for Configuration / Testing / Troubleshooting Issues, as assigned.	1	150.00	150.00

Payment for Consulting will be at billed on a monthly basis, based on hours completed the previous month. IK Consulting, LLC expects payment to occur within 30 days of receipt of invoice unless otherwise agreed to.

Sales Tax or any other applicable taxes are not included in any of this proposal's pricing information. If Sales tax or any other tax becomes applicable, these taxes will then need to be added to the proposed pricing.

Quote valid through Expiration Date listed above.

TOTAL **$150.00**

Accepted By

Accepted Date

ATTACHMENT 2
IK Consulting Quotes

IK CONSULTING, LLC
Post Office Box 17661
Tucson, AZ 85731
(520) 891-5376
admin@ikcpartners.com
www.ikcpartners.com

ADDRESS
Monterey Park, CA
Building Department
320 W. Newmark Ave
Monterey Park, CA 91754

Estimate IK-MP0224Trn

DATE 02/27/2024

EXPIRATION DATE 07/31/2024

PROJECT
Administrative Training

ACTIVITY	QTY	RATE	AMOUNT
February 2024			
Accela Training 3 Day Civic Platform Administrator (record type definition and creation, intake forms, workflow, fee schedules, custom fields/lists, security overview, status groups, inspections, comments/conditions, menus, navigation, and filters). Maximum 12 students.	3	1,800.00	5,400.00
Accela Training 1 Day Administration (security setup and management, consoles, custom forms, calendars, contact settings, global filters/queries, communication overview, notifications overview, report manager overview, batch overview). Maximum 12 students.	1	1,800.00	1,800.00
Accela Training 1 Day Accela Citizen Access Administrator (update web page words and functionality, module specific considerations and forms, page flow setup/management, public user relationships, module based security and setup for access controls to control what various Citizen relationships can view/update). Maximum 12 students.	1	1,800.00	1,800.00
Accela Training 1/2 Day Ad Hoc Basics (data dictionary, data sources, report configuration, fields, summary, filters, parameters, report deployment)	0.50	1,800.00	900.00
Accela Training 1/2 Day Ad Hoc Advanced (using multiple views, linking options, advanced settings, grouping, form design, dynamic fields)	0.50	1,800.00	900.00
Accela Training 2 Day EMSE Scripting Training (v2 or v3)	2	1,800.00	3,600.00

Payment for Training is billed at time of schedule confirmation.
IK Consulting, LLC expects payment to occur within 30 days of receipt of invoice unless otherwise agreed to.

Sales Tax or any other applicable taxes are not included in any of this proposal's pricing information. If Sales tax or any other tax becomes applicable, these taxes will then need to be added to the proposed pricing.

Quote valid through Expiration Date listed above.

TOTAL	$14,400.00

Accepted By

Accepted Date

IK CONSULTING, LLC
Post Office Box 17661
Tucson, AZ 85731
(520) 891-5376
admin@ikcpartners.com
www.ikcpartners.com

ADDRESS
Monterey Park, CA
Building Department
320 W. Newmark Ave
Monterey Park, CA 91754

Estimate IK-MP0324b

DATE 03/14/2024

EXPIRATION DATE 07/31/2024

PROJECT
SolarApp Enhancements FY 2425

ACTIVITY	QTY	RATE	AMOUNT
March 2024			
Accela Civic Platform Services Declaration and Owner builder wording built into ACA for applicants to sign [Add to Custom Fields groups and ACA Page Flow)	18	150.00	2,700.00
Accela Civic Platform Services Inspection configuration / scripting updates to not allow applicants to schedule inspections on records in Final status.	4	150.00	600.00
Accela Integration Custom Payment Adapter [if API exists on both the Accela and Merchant side, and an adapter can be built and published]	120	150.00	18,000.00
Accela Reports Financial Reports for Revenue by Payment Detail and Account Codes. Include batch process to send reports via a daily schedule.	42	150.00	6,300.00

Payment for Consulting will be at billed on a monthly basis, based on hours completed the previous month. IK Consulting, LLC expects payment to occur within 30 days of receipt of invoice unless otherwise agreed to.

Sales Tax or any other applicable taxes are not included in any of this proposal's pricing information. If Sales tax or any other tax becomes applicable, these taxes will then need to be added to the proposed pricing.

Quote valid through Expiration Date listed above.

TOTAL **$27,600.00**

Accepted By	Accepted Date

IK CONSULTING, LLC
Post Office Box 17661
Tucson, AZ 85731
(520) 891-5376
admin@ikcpartners.com
www.ikcpartners.com

ADDRESS
Monterey Park, CA
Building Department
320 W. Newmark Ave
Monterey Park, CA 91754

Estimate IK-MP0324a

DATE 03/20/2024

EXPIRATION DATE 07/31/2024

PROJECT
Building FY 2425

ACTIVITY	QTY	RATE	AMOUNT
March 2024			
Accela Civic Platform Services 3 New Notification Templates [After plans have been routed (each round); After round has been completed by all Division and resubmittal is not allowed; After issuance of permit and ready to download (for permits & for revisions-plans)]	20	150.00	3,000.00
Accela Civic Platform Services Update Building fee schedule and scripting [Energy Plan Check – is going to be 10% of the building plan check fee; Accessibility Plan Check – is going to be 5% of the building plan check fee; Plan Check Extension (this is a new fee that needs to be calculating as if the application is a new application and it will be charged as 25% of the current fees); Minimum Building plan check fee; Minimum Electrical plan check fee; Minimum Plumbing plan check fee; Minimum Mechanical plan check fee; Additional minor updates]	38	150.00	5,700.00
Accela Reports Detailed Transactional Project Reporting, based on types and categories (to be defined by staff during analysis).	36	150.00	5,400.00
Accela Civic Platform Services Configuration enhancement of existing records, as defined within the Module. Creation of necessary Expressions/Scripts to automate currently manual processes for consistency.	22	150.00	3,300.00

Payment for Consulting will be at billed on a monthly basis, based on hours completed the previous month. IK Consulting, LLC expects payment to occur within 30 days of receipt of invoice unless otherwise agreed to.

Sales Tax or any other applicable taxes are not included in any of this proposal's pricing information. If Sales tax or any other tax becomes applicable, these taxes will then need to be added to the proposed pricing.

Quote valid through Expiration Date listed above.

TOTAL	$17,400.00

Accepted By

Accepted Date

City Council Staff Report

DATE: September 4, 2024

AGENDA ITEM NO: Consent Calendar - 3G

TO: The Honorable Mayor and City Council

FROM: Jessica Serrano, Director of Community Development

SUBJECT: Waive further reading and adopt Zoning Code Amendment No 24-01 (ZCA-24-01), an Ordinance amending the Monterey Park Municipal Code to implement the Housing Element to the General Plan.

RECOMMENDATION:
It is recommended that the City Council consider:

1. Waiving the second reading and adopting the proposed ordinance; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:
The Ordinance was introduced and received first reading at the August 21, 2024 City Council meeting. The original staff report (from August 21, 2024) is attached for reference. Second reading and adoption of this Ordinance is recommended. If adopted, the ordinance will take effect in 30 days.

Respectfully submitted and prepared by:

Jessica Serrano, Director of Community Development

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENTS:
1. Ordinance No. ____ amending the Monterey Park Municipal Code
2. City Council Staff Report, dated August 21, 2024 (without attachments)

ATTACHMENT 1

Ordinance No. _____ Amending the Monterey Park Municipal Code

ORDINANCE NO.

AN ORDINANCE IMPLEMENTING THE GENERAL PLAN HOUSING ELEMENT BY MAKING CERTAIN CHANGES TO TITLE 21 OF THE MONTEREY PARK MUNICIPAL CODE (MPMC)

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: The City Council finds and declares that:

A. The City initiated the proposed amendments to the Monterey Park Municipal Code ("MPMC") pursuant to MPMC § 21.38.020. This application is identified as ZCA 24-01.

B. The City's Housing Element ("HE") was certified by the California Department of Housing and Community Development ("HCD") on March 30, 2023. The HE requires the City Council to consider various amendments to the MPMC to implement the HE.

C. On July 23, 2024, the Planning Commission conducted a duly noticed public hearing to assess the proposed MPMC amendments in ZCA 24-01, considered all oral and written evidence, and adopted Resolution 05-24recommending that the City Council adopt this Ordinance.

D. This Resolution and its findings are made based upon the entire administrative record including, without limitation, evidence accepted during the public hearings before the Planning Commission (on July 23, 2024) and the City Council (on August 21, 2024).

SECTION 2: *Zone Text Amendment Findings.* Pursuant to Government Code § 65860 and MPMC § 21.38.050, the City Council finds as follows:

A. Amendments to the MPMC accomplished by this Ordinance are consistent with the goals, policies and objectives of the General Plan. This Ordinance implements the following HE programs: Program 4 which provides for the housing of special needs populations; Program 5 which seeks to allow flexibility in development standards to facilitate the development of affordable housing; and Program 7 which requires reconciliating residential densities with the R-3 zone. Among other things, these regulations will provide housing opportunities for households in all income levels without constraining housing development in the City.

B. These regulations will not adversely affect surrounding properties. Such regulations will operate citywide and will not affect a change in the use or the intensity of use of property in any zone.

C. These regulations promote public health, safety, and general welfare and

serve the goals and purposes of the MPMC's zoning regulations. Among other things, the regulations will reduce barriers to the development of housing to address the California Legislature's determination regarding a statewide housing shortage.

SECTION 3: *Environmental Review.* The City reviewed the environmental impacts of the proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). The City Council finds and determines that this Ordinance is not subject to further review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq*.; "CEQA") for the following reasons:

A. This Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2);

B. There is no possibility that the Ordinance itself may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3);

C. The Ordinance, by itself, does not constitute a "project" as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378). The Ordinance is for general policies and procedure-making. It can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment; and

D. CEQA Guideline § 15164 provides that an addendum to an adopted environmental impact report may be prepared where none of the conditions described in CEQA Guidelines § 15162 have occurred. The City Council finds as follows:

1. On December 5, 2019, the City Council adopted Resolution No. 12124 certifying the Monterey Park Focused General Plan Update Final Environmental Impact Report (the "FEIR")(State Clearing House (SCH) No. 2001-01-1074), which is incorporated by reference and found at: https://www.montereypark.ca.gov/DocumentCenter/View/16507/Reso-12124---attachments-included.

2. On January 19, 2022, the City Council adopted Resolution No. 2022-R2 adopting an addendum to the FEIR analyzing the impacts of the City's 2021-2029 Housing Element update ("FEIR Addendum"), which is incorporated by reference and found at: https://www.montereypark.ca.gov/DocumentCenter/View/16506/2022-R2---Addendum-to-the-Final-Environmental-Impact-Report.

3. The EIR and Addendum evaluated, among other things, the environmental impacts resulting from increasing the dwelling unit density in the R-3 zone, and sliding scale parking requirements (the "Housing Goals").

4. The Housing Goals are an activity contemplated by the EIR and Addendum.

5. The Housing Goals do not contemplate any changes which will require major revisions to the EIR or Addendum, nor are there any substantial changes with respect to the circumstances under which the EIR and Addendum were undertaken.

6. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR and Addendum were certified showing: (1) the Housing Goals will have one or more significant effects not discussed in the EIR or Addendum; and (2) significant effects previously examined will be substantially more severe than shown in the EIR or Addendum.

SECTION 4: *Amendment*. MPMC Table 21.08(F) is deleted in its entirety.

SECTION 5: *Amendment.* MPMC section 21.22.020 (Applicability) is amended in its entirety as follows:

"§ 21.22.020 **Applicability.**

This chapter applies to new buildings and structures, when an existing building or structure is enlarged or when the use is intensified and constitutes the minimum standards for all off-street parking and loading facilities. California law may limit the Director's ability to impose minimum parking requirements on new developments/construction on properties within one-half mile of public transit.

(A) Land within the right-of-way of a proposed street or highway, or within the planned ultimate right-of-way on a street or highway proposed to be widened, cannot be used to provide required parking and loading facilities.

(B) A change in occupancy that does not involve a change in the use classification is not considered a change in use for purposes of this requirement unless the change in occupancy involves an intensification of use or an increase in parking demand.

(C) Required parking areas must be used exclusively for vehicle parking in conjunction with a permitted use and cannot be reduced or encroached upon in any manner. Required parking spaces must be available for the use of residents, customers or guests of the use. Fees cannot be charged for the use of required parking spaces. Required parking spaces cannot be used for the parking of equipment or storage of goods or inoperable vehicles. Required parking spaces cannot be used on

another site except for joint parking situations approved by the Planning Commission and through an appropriate recorded legal instrument approved by the City Attorney as to form."

SECTION 6: *Amendment.* MPMC section 21.22.040 is amended in its entirety as follows:

"§ 21.22.040 **Regulations for Residential Uses.**
The parking regulations of this Chapter apply to residential uses, regardless of the zoning designation."

SECTION 7: *Amendment*. MPMC Table 21.22(A) (Residential Parking Standards) is amended as follows:

Dwelling Uses	Min. Required No. of Spaces
Single Family Dwelling	
4 or fewer bedrooms*	2 enclosed garage spaces
5-7 bedrooms*	3 enclosed garage spaces plus 1 additional open parking space per bedroom above 5
8 or more bedrooms*	4 enclosed garage spaces plus 1 additional open parking space per bedroom above 5
Multifamily Dwelling: per unit*	
Multiple Family	
2 or fewer bedrooms*	1 space
3 bedrooms*	2 spaces; plus 1 guest parking space per 4 dwelling units
4 bedrooms*	2 spaces; plus 1 guest parking space per 4 dwelling units
5 bedrooms*	3 spaces; plus 1 guest parking space per 4 dwelling units
6 or more bedrooms*	3 spaces; plus 1 additional open parking space per bedroom above 5; plus 1 guest parking space per 4 dwelling units
Boardinghouse	1 per bedroom
Rehabilitation Facility	1 per bedroom
Second Dwelling Unit	
Less than or equal to 600 SF	1 enclosed garage space
Greater than 600 SF	2 enclosed garage spaces
Senior Citizen Housing	
Moderate Income Unit	1 per unit; plus 1 for property manager unit
Guest Parking	1 per 4 units

Mixed Moderate Income & Low/Very Low Income Unit	0.8 per unit; plus 1 for property manager unit
Guest Parking	1 per 4 units (3 minimum)
Low Income Unit	0.65 per unit; plus 1 for property manager unit
Guest Parking	1 per 6 units (2 minimum)
Very Low Income Unit	0.5 per unit; plus 1 for property manager unit
Guest Parking	1 per 8 units (2 minimum)
Single Room Occupancy (SRO)	1 per bedroom

NOTE:

*A den, library, study or similar habitable room which in the determination of the City Planner could be used as a bedroom will be considered a bedroom for purposes of determining required parking.

SECTION 8: *Amendment*. All references to "Chapter 21.22," and any table in Chapter 21.22 replaced with the phrase "this Title," throughout Title 21 of the MPMC.

SECTION 9: *Amendment.* MPMC section 21.04.367 is deleted in its entirety.

SECTION 10: *Amendment*. MPMC Table 21.12(A) is amended by deleting the "Emergency shelter" use and corresponding provision.

SECTION 11: *Amendment.* MPMC section 21.12.030(B) is deleted in its entirety.

SECTION 12: *Amendment*. MPMC Table 21.22(C) is amended by deleting "Emergency Shelter" uses and corresponding minimum requirements.

SECTION 13: *Amendment*. The MPMC is amended by establishing a new section entitled "21.02.240 Emergency Shelter" as follows:

"§ 21.02.240 **Emergency Shelter.**

(A) **Zone.** Emergency shelters are permitted in the R-3—High-density residential and O-P Office Professional Non-McClaslin Business Park zones.

(B) **Standards.** Emergency shelters must satisfy the following:

(1) In no event may occupancy exceed 40 residents at any one time.

(2) Sufficient parking to accommodate all employees working in the emergency shelter, provided that the standards do not require more parking for

emergency shelters than other residential or commercial uses within the same zone.

(3) All proposed on-site intake and waiting areas must be within a fully enclosed building. Exterior intake and waiting areas must be covered by a permanent structure. The intake and waiting area must be suitably sized to prevent queuing in the public right-of-way or within any parking lot, but may not exceed 400 square feet.

(4) Each emergency shelter must have an on-site management office. At least one employee must be present in the on-site management office at all times that the emergency shelter is operating.

(5) Not more than one emergency shelter is permitted within a radius of 300 feet from another emergency shelter.

(6) Individual occupancy in an emergency shelter is limited to six months during any 12 consecutive month period.

(7) Exterior lighting must be provided at all building entrances and outdoor activity areas and must be activated between sunset and sunrise of each day.

(8) Each emergency shelter must have at least one on-site security personnel present while the emergency shelter is operational.

(9) The emergency shelter may provide one or more of the following specific facilities and services including, without limitation:

(a) Commercial kitchen facilities designed and operated in compliance with applicable law;

(b) Dining area;

(c) Laundry;

(d) Recreation room;

(e) Support services (e.g., training, counseling); and

(f) Child care facilities.

(C) Procedure. A permit application for an emergency shelter must considered and, if appropriate, approved ministerially by the City Planner. An application must be filed on forms provided by the City Planner and accompanied by fees set by city council resolution."

SECTION 14: *Amendment*. MPMC section 21.04.855 is deleted in its entirety.

SECTION 15: *Amendment*. MPMC section 21.04.895 is deleted in its entirety.

SECTION 16: *Amendment***.** The MPMC is amended by establishing a new section entitled "21.02.250 Supportive Housing" as follows:

"§ 21.02.250 **Supportive Housing**.

(A) **Zone**. Supportive Housing is permitted in the R-3—High-density residential and O-P Office Professional Non-McClaslin Business Park zones.

(B) **Procedure**. A permit application for supportive housing must be considered and, if appropriate, approved ministerially by the City Planner. An application must be filed on forms provided by the City Planner and accompanied by fees set by city council resolution.

(C) **Standards.** Supportive housing must satisfy all objective development standards in the underlying zoning designation.

(D) **Parking**. Supportive housing must provide not less than the following on-site parking:

(1) Three or fewer bedrooms: two enclosed garage spaces, plus one guest space for every two dwelling unit or 0.3 spaces for each bed in dormitory housing.

(2) Four or more bedrooms: two enclosed garage spaces, plus one guest space for every dwelling unit or 0.3 spaces for each bed in dormitory housing.

(E) **Covenant**. All units are subject to a recorded affordability restriction which must be approved by the City Planner, in a form approved by the City Attorney."

SECTION 17: *Amendment*. MPMC Table § 21.08(A) is amended to delete the use entitled "Supportive housing, licensed for seven or more persons" and the corresponding regulations.

SECTION 18: *Amendment*. MPMC Table 21.10(A) is amended to delete the use entitled "Supportive Housing" and the corresponding regulations.

SECTION 19: *Amendment*. MPMC Table 21.22(C) is amended to delete the use entitled "Supportive housing" and the corresponding regulations.

SECTION 20: *Amendment.* MPMC section 21.32.020(D) is amended as follows:

"(D) The additional boarding house conditional use permit requirements do not apply

to the following uses if otherwise permitted by a valid conditional use permit: congregate care facility (multiple units on one property); fraternity/sorority house; home care licensed for seven or more persons; senior housing; or transitional housing licensed for seven or more persons."

SECTION 21: *Electronic Signatures*. This Ordinance may be executed with electronic signatures in accordance with Government Code § 16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 22: *Construction*. This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 23: *Summaries of Information*. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 24: *Reliance On Record*. Each and every one of the findings and determination in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 25: *Severability*. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 26: *Preservation*. This Resolution does not affect any penalty, forfeiture, or liability incurred before, or prelude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 27: *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the city's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 28: *Recordation*. The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, and cause it to be published or posted in accordance with California law.

SECTION 29: *Effective Date*. This Ordinance will become effective 30 days after second reading and adoption.

PASSED AND ADOPTED this ____ day of _____, 2024.

_____
Jose Sanchez, Mayor

ATTEST:

_____
Maychelle Yee, City Clerk

APPROVED AS TO FORM:

_____
Karl H. Berger, City Attorney

ATTACHMENT 2

City Council Staff Report, dated August 21, 2024
(without attachments)

City Council Staff Report

DATE: August 21, 2024

AGENDA ITEM NO:

TO: The Honorable Mayor and City Council

FROM: Jessica Serrano, Director of Community Development

SUBJECT: A public hearing to consider introduction and first reading of Zoning Code Amendment No 24-01 (ZCA-24-01), an Ordinance amending the Monterey Park Municipal Code to implement the Housing Element to the General Plan

RECOMMENDATION:

It is recommended that the City Council consider:

1. Opening the public hearing and taking testimonial and documentary evidence;
2. After closing the public hearing and considering the evidence submitted during that public hearing, introducing and waiving first reading of Ordinance No. _____ amending the Monterey Park Municipal Code ("MPMC") to implement the Housing Element under ZCA-24-01; and
3. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of the proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). The previous CEQA documents adopted by the City Council (*see,* Resolution Nos. 12124 and 2022-R2) adequately analyze the changes contemplated by this Ordinance. No additional CEQA review is required.

BOARD/COMMISSION REVIEW:

On July 23, 2024, the Planning Commission reviewed the proposed Ordinance and adopted a resolution recommending that the City Council adopt the Ordinance amending the MPMC to implement the Housing Element under ZCA-24-01, with a 4-0 vote.

EXECUTIVE SUMMARY:

The Housing Element ("HE") plans the housing growth, development and redevelopment within the City. ZCA-24-01 proposes to implement the HE by amending Title 21 to the MPMC including changes to residential density limits, multi-family residential parking standards, regulations for supportive housing, emergency shelters, and group housing.

BACKGROUND

TYPE OF ACTION (LEGISLATIVE; QUASI-JUDICIAL; OR ADVISORY)

Decision-Making Body: In considering approval of the "Zone Ordinance Text Amendment," the City Council is the decision-making body and the Planning Commission is an advisory body to the City Council. The Planning Commission recommendation to the City Council, however, plays an important role in the approval process and should include the factual and legal basis for the Planning Commission's findings. The City Council can then consider those findings when making its own determination.

For the proposed text amendment, the City Council must make the findings in MPMC § 21.38.050:

- That the proposed text amendment is consistent with the goals, policies, and objectives of the General Plan;
- That the proposed text amendment will not adversely affect surrounding properties; and
- That the proposed text amendment promotes public health, safety, and general welfare and serves the goals and purposes of the MPMC's zoning regulations.

These findings are included in the draft Ordinance; the facts upon which these findings rely are also included with the draft documents.

ANALYSIS

The California State Department of Housing and Community Development (HCD) certified the Housing Element on March 30, 2023. Government Code § 65583(c) requires that cities include programs which set forth a schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element. Included in the Housing Element, were several programs which proposed consistency between the General Plan and zoning regulations to help encourage a variety of housing types.

ZCA-24-01 proposes several actions that will help bring consistency between the General Plan and the MPMC. A summary of the proposed Ordinance is detailed below:

Changes to Residential Density

Program 7 of the HE requires reconciliating residential densities with the R-3 zone. Currently, the Land Use and Urban Design Element (LUE) and HE provide that the High Density Land Use category has a density of 30 units per acre. The MPMC, however, only allows up to 25 units per acre in the R-3 zone (High Density Residential). The proposed Ordinance removes Table 21.08(F) from the MPMC which results in the default densities

being those in the LUE.

Changes to Parking Standards

Program 5 of the HE seeks to allow flexibility in development standards to facilitate the development of affordable housing. The City's current parking requirements may be perceived as a constraint to the creation of housing. ZCA-24-01 proposes changes to parking standards found in the MPMC, by decreasing parking requirements for multiple family developments. Reducing parking requirements for multiple family developments will allow for more flexibility in design and reduction in construction costs, which will assist in the creation of housing units. Below is a summary of parking requirement changes in relation to the creation of multi-family housing:

Multifamily Dwelling: per unit*		
Multiple Family	**Existing Requirement**	**Proposed Requirement**
2 or fewer bedrooms*	2 enclosed spaces + 1 guest parking space/2 dwelling	1 space
3 bedrooms*		2 spaces + 1 guest space/4 dwelling units
4 bedrooms*	2 enclosed spaces + 1 guest parking space/1 dwelling	2 spaces + 1 guest space/ 4 dwelling units
5 bedrooms*	3 enclosed spaces + 1 guest parking space/1 dwelling	3 spaces + 1 guest space/ 4 dwelling units
6 or more bedrooms*	3 enclosed spaces + 1 space/bedroom (over 5) + 1 guest space/1 dwelling	3 spaces + 1 space/bedroom (over 5) + 1 guest space/4 dwelling units

In addition to the changes indicated above, ZCA-24-01 also implements California law which limits the City's ability on imposing minimum parking requirements for development projects within a ½ mile of a major transit stop.

Emergency Shelters

Program 4 of the HE provides for the housing of special needs populations, including homeless individuals seeking emergency shelter. While emergency shelters are currently regulated in the MPMC, they are only permitted in the Office Professional Non-McCaslin Business Park ("O-P") zone. ZCA-24-01 proposes the following changes in relation to emergency shelters:

- Allows emergency shelters within the High-Density Residential ("R-3") zone, in addition to the O-P zone.

- Updates development and operational standards for emergency shelters, with the largest change involving parking requirements. To comply with California law, parking requirements must be based on the number of staff rather than beds spaces at an emergency shelter.

Supportive Housing

As part of Program 4 of the Housing Element, supportive housing is being amended to comply with California law. Supportive housing is considered ministerially but must comply with all requirements of the underlying zone and require a covenant to impose an affordability restriction. Further, parking for such uses will be required at the following ratios:

# of Bedrooms	Parking Requirement
3 of fewer bedrooms	2 enclosed garage spaces + guest space/2 dwelling units or 0.3 spaces for each bed in a dormitory housing
4 or more bedrooms	2 enclosed garage spaces + guest space/ 1 dwelling unit or 0.3 spaces for each bed in a dormitory housing

2024-25 STRATEGIC PLAN GOAL:
The proposed code amendments meet the 2024-25 Strategic Plan Goal to "Strengthen our local economy and enhance housing opportunities" by achieving the goals and programs set forth in the HE and reducing development standards to allow greater flexibility to facilitate the construction of housing units.

LEGAL NOTIFICATION:
The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center and published in Monterey Park Press on August 8, 2024, with affidavits of posting on file.

FISCAL IMPACT:
There are no identifiable fiscal impacts associated with adopting the Ordinance itself (other than costs associated with codifying the Ordinance).

Respectfully submitted and prepared by:

Jessica Serrano, Director of
Community Development

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENTS:

1. Ordinance No. ____ amending the Monterey Park Municipal Code
2. Notice of Determination

City Council Staff Report

DATE: September 4, 2024

AGENDA ITEM NO: Consent Calendar - 3H

TO: The Honorable Mayor and City Council

FROM: Shawn Igoe, Director of Public Works

SUBJECT: Waive Further Reading and Adopt an Ordinance adopting an engineering and traffic survey for Hellman Avenue between Atlantic Boulevard and New Avenue, and reducing the speed limit on Hellman Avenue, between Garfield Avenue and New Avenue, from 35 mph to 30 MPH.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Waiving the second reading and adopting the proposed ordinance; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Ordinance was introduced and received first reading at the August 21, 2024 City Council meeting. The original staff report (from August 21, 2024) is attached for reference. Second reading and adoption of this Ordinance is recommended. If adopted, the Ordinance will take effect in 30 days.

Respectfully submitted by:

Shawn Igoe
Director of Public Works

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENT:
1. Draft Ordinance
2. August 21, 2024 Staff Report (without attachments)

ATTACHMENT 1
Draft Ordinance

CITY OF MONTEREY PARK

ORDINANCE NO.

AN ORDINANCE ESTABLISHING SPEED LIMITS FOR CERTAIN LOCATIONS AS PROVIDED BY MONTEREY PARK MUNICIPAL CODE § 10.32.010(B) IN ACCORDANCE WITH VEHICLE CODE § 22357 BASED UPON AN ENGINEERING AND TRAFFIC SURVEY AS DEFINED BY VEHICLE CODE § 627.

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: The City Council finds as follows:

A. Vehicle Code § 22352 establishes prima facie speed limits throughout the City;

B. Vehicle Code § 22357 authorizes the City to establish certain speed limits based upon an engineering and traffic survey as defined by Vehicle Code § 627;

C. In accordance with Vehicle Code § 40802, the speed limits authorized by Vehicle Code § 22357 must be justified by engineering and traffic surveys conducted every five to 10 years;

D. The City completed speed zone engineering and traffic survey (meeting the requirements of Vehicle Code § 627) which, among other things, recommended a speed limit change on Hellman Avenue, between Garfield Avenue and New Avenue, from 35 miles-per-hour ("MPH") to 30 MPH. That engineering and traffic survey is attached as Exhibit "A," and incorporated by reference ("Survey"); and

E. This Ordinance, and the speed limits established below, rely upon the Survey for purposes of Vehicle Code § 22357 and is adopted in accordance with Monterey Park Municipal Code § 10.32.010(B) as an uncodified ordinance.

SECTION 2: The City Council adopts the Survey. Based upon the Survey, and in accordance with Vehicle Code §§ 22352 and 22357, the City Council amends Exhibit A to Ordinance No. 2144, adopted November 1, 2017, as to Hellman Avenue as follows:

43	Hellman Avenue	Garfield Avenue to New Avenue	35	~~35~~	30

SECTION 3: The City Manager, or designee, is authorized and directed to (a) install signs providing notification of the speed limits established in Section 2 of this Ordinance; and (b) take any additional action required to implement this Ordinance.

SECTION 4: California Environmental Quality Act Exemption. The City Council determines that this ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq*., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq*., the "CEQA Guidelines") because it consists only of minor revisions and clarifications to an existing code of speed control regulations established in accordance with state law and will not have the effect of deleting or substantially changing any regulatory standards or findings. This Ordinance, therefore, is an action being taken for enhanced protection of the environment and that does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt in accordance with CEQA Guidelines §§ 15301 as a minor alteration of existing public or private structures involving no expansion of use; 15305 as a minor alteration in land use limitations which do not result in any changes in land use or density; and 15308 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of the environment.

SECTION 5: Repeal or amendment of any provision of the MPMC or any other ordinance will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 6: If this the entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal of the MPMC or other the city ordinance by this Ordinance will be rendered void and cause such MPMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 7: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 8: This Ordinance will become effective on the 30th day following its passage and adoption.

PASSED AND ADOPTED this ____ day of August, 2024.

_____
Thomas Wong, Mayor

ATTEST:

_____
Maychelle Yee, City Clerk

APPROVED AS TO FORM:

_____
Karl H. Berger, City Attorney

Submitted To:
CITY OF MONTEREY PARK

CITY OF MONTEREY PARK CALIFORNIA

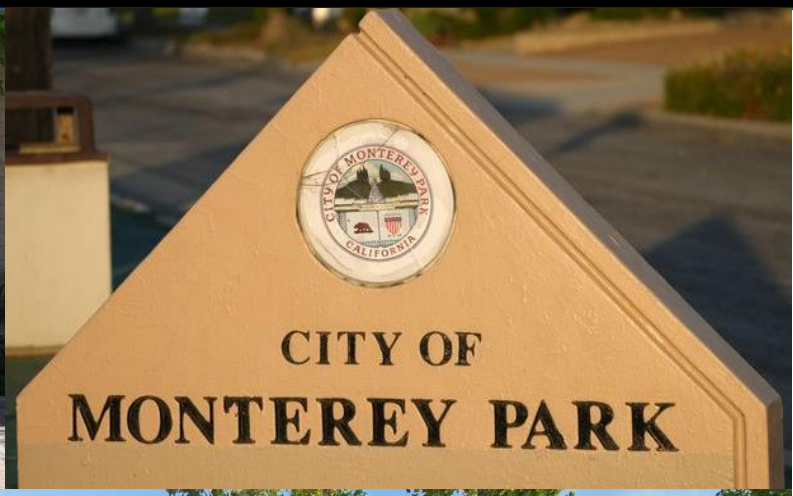
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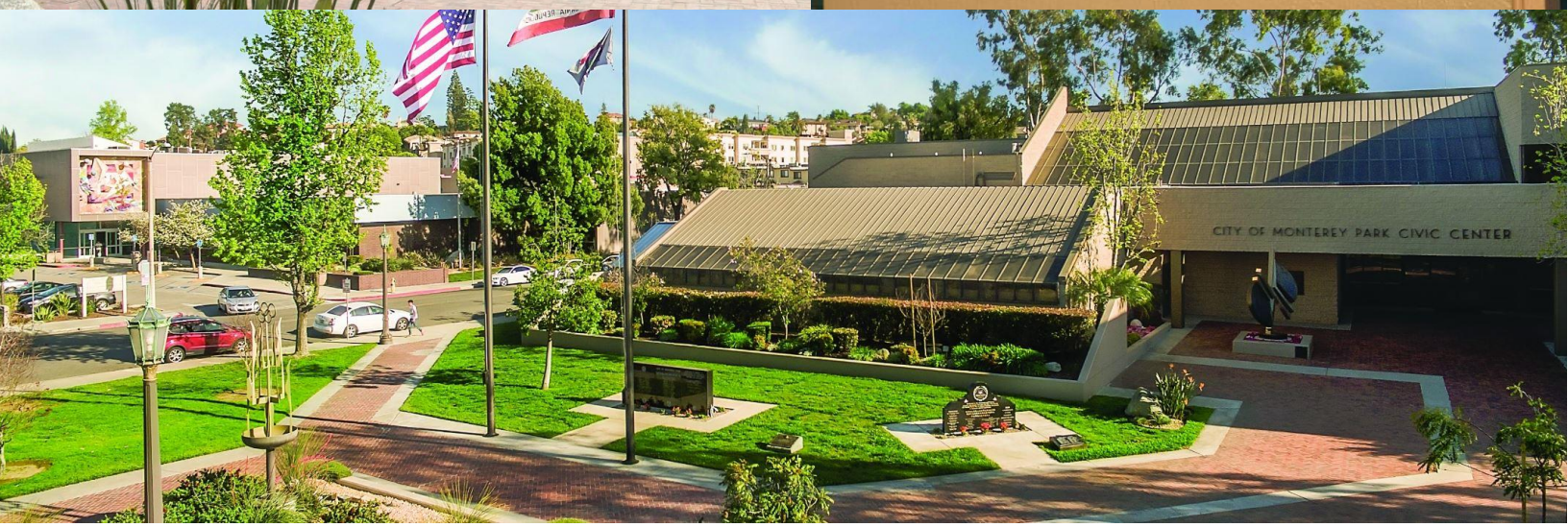
2024 ENGINEERING AND TRAFFIC SURVEY CVC SECTION 627

Adopted by Monterey Park City Council

Resolution No. xx-xx on AugustX, 2024







TRANSTECH
Est. 1989

Submitted By:
TRANSTECH ENGINEERS, INC.

Contact Person
Jana Robbins, PTP, RSP
E: jana.robbins@transtech.org

Transtech.org
855.595.2495 (toll-free)
ISO 9001 Certified

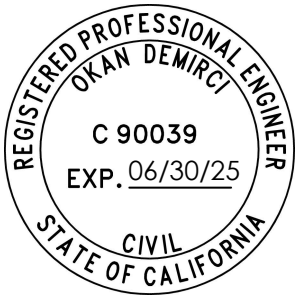
PREPARER'S CERTIFICATION

CITY OF MONTEREY PARK, CALIFORNIA
ENGINEERING AND TRAFFIC SURVEY
CVC SECTION 627
EFFECTIVE DATE: August X, 2024

ADOPTED BY MONTEREY PARK CITY COUNCIL RESOLUTION NO. XX-XX ON August X, 2024

This report was prepared under the supervisions of:
Okan Demirci, PE

CERTIFICATION BY ENGINEER



Okan Demirci, PE
License Type: Registered Professional Engineer
License Number: 90039

CERTIFICATION BY ENGINEER

I, Okan Demirci, contract City Engineer, do hereby certify that the July 15, 2024 Engineering and Traffic Survey for (2) Segments in the City of Monterey Park was performed under my supervision. I certify that I am both experienced in performing surveys of this type and am duly registered in the State of California as a professional Engineer. The survey has been conducted in strict compliance with guidelines contained in the California Vehicle Code and the California Manual on Uniform Traffic Control Devices. Data contained in this report represents a true and accurate description of traffic conditions existing on City of Monterey Park Streets.

SECTION 1: INTRODUCTION

The purpose of this report is to prepare an Engineering and Traffic Survey at 2 locations along Hellman Avenue in the City of Monterey Park to establish updated speed limits that can be enforced using radar. An Engineering and Traffic assessment was prepared for these 2 street segments in the City of Monterey Park. Applicable sections of the California Vehicle Code (CVC) and Department of Transportation California Manual on Uniform Traffic Control Devices (CAMUTCD), per Revision 7 March 2023, have been followed so that the posted speed limits can be upheld by the courts and do not constitute a "Speed Trap" as defined by CVC Section 40802. The following table lists the street segments considered in the 2024 City-Wide Speed Survey.

Table 1: City of Monterey Park 2024 Engineering and Traffic Survey Speed Limits

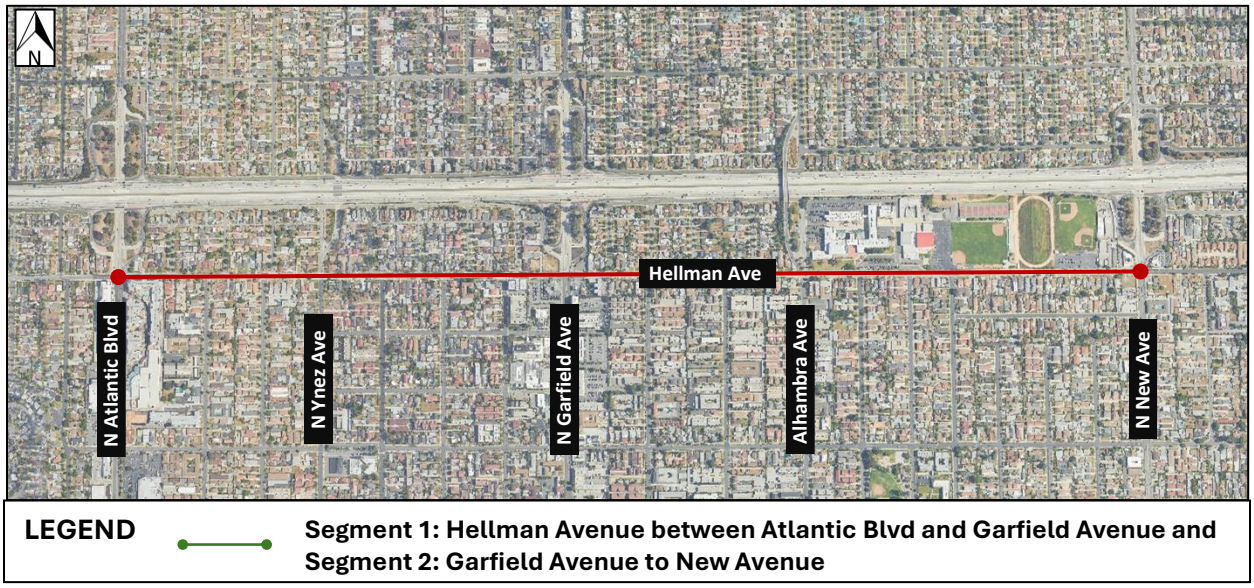
Primary Location	Limits		Street Classification[1]	Adopted 2017 Speed Limit[2]
	Beginning	Ending		
Hellman Avenue	Atlantic Boulevard	Garfield Avenue	Secondary	30
Hellman Avenue	Garfield Avenue	New Avenue	Secondary	35

BACKGROUND

The City of Monterey Park has asked Transtech to review the segment of Hellman Avenue between Atlantic Boulevard to New Avenue to determine the appropriate posted speed limit that can be enforceable following State guidelines in the CVC and CAMUTCD. Hellman Avenue between Atlantic Boulevard and New Avenue is partially in the City of Monterey Park (South Side or EB direction), while City of Alhambra has control over the north side or WB direction of Hellman Avenue. In a previous study, it was found that the 2 Cities had conflicting posted limits in the Hellman Avenue between Garfield Avenue and New Avenue segment with the regular posted speed limit for WB direction was at 30 mph (Alhambra) while the EB direction in the City of Monterey Park has a posted speed limit of 35 mph. The City of Alhambra is in the process of certifying and adopting their 2023/2024 City-Wide Engineering Traffic Survey. The recommendations for the City of Alhambra along Hellman Avenue was for the posted speed to remain at 30 mph with 25 mph school zone near the high school. The City of Monterey Park has determined that to have a consistent posted limit for both directions of travel on Hellman Avenue that the City should also adopt and certify a change in the posted speed limit to 30 mph with 25 mph school zones by the High School. The following documentation provides the backup to support a change in the posted speed limit to 30 mph.

[1] Road Classifications Based on Caltrans Road Classification (CRS) maps

Figure 1. Vicinity Map



STREET CLASSIFICATIONS

Each segment is classified and defined with roadway classifications as listed in the California Road Systems (CRS) Maps that are approved by the Federal Highway Administration and maintained by the Department of Transportation (CVC 40802). Functional classifications are used in determining which type of roads are eligible for Federal funding to maintain the roads. Usually Principal Arterials, Minor Arterial and Major Collectors are eligible.

Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide. Basic to this process is the recognition that individual roads and streets do not serve travel independently in any major way. Rather, most travel involves movement through a network of roads. Functional classification defines how a particular road or street plays in serving the flow of trips through a highway network. The four functional systems for urbanized areas are urban principal arterials, minor arterials, major collectors, and local roads.

Secondary (Minor Arterial): The minor arterial street system includes all arterials not classified as principal and contains facilities that place more emphasis on land access than the higher system and offer a lower level of traffic mobility. Such facilities may carry local bus routes and provide intra-community continuity, but ideally should not penetrate identifiable neighborhoods. This system should include urban connections to rural collector roads where such connections have not been classified as urban principal arterials. Hellman Avenue is considered a Secondary Arterial in Caltrans (CRS) maps.

SECTION 2: OVERVIEW

CALIFORNIA VEHICLE CODE:

Speed limits in California are governed by the California Vehicle Code (CVC), Sections 22348 through

22413. The statutes establish or provide means of establishing speed limits by:

1. **Basic speed limit law.**
   Section 22350 of the CVC provides that no person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, traffic and the surface and width of the highway, and in no event at a speed which endangers the safety of persons or property. This is the basic speed limit law.

2. **Prima facie speed limits** are specified by statute or established by the State or local authorities within their respective jurisdictions on the basis of an engineering and traffic survey. Prima facie speed limits are specific limits stated in the CVC or specific limits established on the basis of an engineering and traffic survey authorized by the CVC. Prima facie speed limits are preempted by the basic speed limit law when the conditions in CVC Section 22350 are met.

   Section 22352 of the CVC establishes prima facie speed limits as follows and shall be applicable unless changed as authorized in the CVC and if so changed, only when signs have been erected giving notice of the change:

   a. Fifteen miles per hour.
      - At a railroad grade crossing with an obstructed view.
      - At an uncontrolled highway intersection with an obstructed view.
      - In an alley.

   b. Twenty-five miles per hour.
      - On any highway other than a State highway, in any business or residence district, CVC Sections 235 and 515 define a "business district" and a “residence district” respectively. Section 240 and 40802 of the CVC prescribes a method for determining whether a highway can be considered within a business or residence district.
      - Unless a different limit is established by procedures described elsewhere in the code.
      - In a school zone, posted with SCHOOL warning signs.
      - When passing a facility primarily used by senior citizens and contiguous to a street other than a State highway and posted with a SENIOR warning sign.

Increase of local speed limits to 65 miles per hour CVC Section 22357.

(a) Whenever a local authority determines upon the basis of an engineering and traffic survey that a speed greater than 25 mph would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street other than a state highway otherwise subject to a prima facie limit of 25 mph, local authorities may by ordinance determine and declare a prima facie speed limit of 30, 35, 40, 45, 50, 55 or 60 mph or a maximum speed of 65mph, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe. The speed limit shall become effective when signs are installed on the street and not revised unless

justified on the basis of an engineering and traffic survey.

LOCAL AUTHORITY TO ESTABLISH PRIMA FACIE SPEED LIMITS:

Sections 22357 and 22358 of CVC authorize local authorities to establish prima facie speed limits on streets and roads under their jurisdiction on the basis of an engineering and traffic survey. The declared prima Facie limits shall become effective when appropriate signs giving notice are erected upon the street.

SPEED TRAP:

Section 40802 2B(i) of the CVC provides that prima facie speed limits established under Sections 22352, 22354, 22357, 22358 and 22358.3 may not be enforced by radar unless the speed limit has been justified by an engineering and traffic survey conducted within one of the following time periods; five years to the date of the violation, within the last 7 years or if an engineering and traffic survey was conducted more than 7 years prior to the date of the alleged violation, and a registered engineer evaluates the section of the highway and determines that no significant changes in roadway or traffic conditions have occurred, including, but not limited to, changes in adjoining property or land use, roadway width, or traffic volume, the survey applies for 14 years.

This section does not apply to local streets, roads, school zones or senior zones which have been set at the Prima Facie speed limit. Local streets are defined to have the following characteristics:

- Width not more than 40 feet
- Not more than .5 miles of uninterrupted length
- 1 lane in each direction

Senior Zones are those areas approaching or passing a senior center building or other facility primarily used by senior citizens or the grounds thereof that is posted with a standard “Senior” warning sign pursuant to Section 22352.

ENGINEERING AND TRAFFIC SURVEY:

Section 627 of CVC defines the term engineering and traffic survey and lists its requirements. Section 627 states: "An engineering and traffic survey shall include, among other requirements deemed necessary by the Department of Transportation, consideration of all of the following: prevailing speeds as determined by traffic engineering measurements, accident records, highway traffic and roadside conditions not readily apparent to the driver."

The Engineering and Traffic Survey should contain sufficient information to document that the conditions of CVC Section 627 have been complied with and that other conditions not readily apparent to motorists are properly identified.

In determining the speed limit, which most appropriately facilitates the orderly movement of traffic and is reasonable and prudent, crucial factors such as prevailing speeds, unexpected conditions, and collision records are examined.

Determination of posted speed limits follow the latest CAMUTCD Policy as Revision 7, March 2023 by the State of California Department of Transportation. Speed limits shall be established at the nearest 5 mph increment of the 85th percentile speed of free-flowing traffic (CVC Section 22358.6(a)). However, in cases in which the speed limit needs to be rounded up to the nearest five miles per hour increment of the 85th percentile speed, the Department of Transportation or a local authority may decide to instead round down the speed limit to the lower five miles per hour increment, but then the Department of Transportation or a local authority shall not reduce the speed limit any further for any reason CVC 21400(4)(b).

An example of the application of this speed limit criteria is as follows:

- If the 85th percentile speed in a speed survey is (37 MPH) then the speed limit would be posted at 35 MPH or optionally reduced to 30 MPH. However,
- If the 85th percentile speed in a speed survey is (38 MPH) then the speed limit would be posted at 40 MPH or optionally reduced to 35 MPH.

The 85th percentile speed is often referred to as the critical speed. Pace speed is defined as the 10-mile increment of speed containing the largest number of vehicles. Speed limits established on the basis of the 85th percentile conform to the consensus of those who drive highways as to what speed is reasonable and prudent and are not dependent on the judgment of one or a few individuals.

Basic speed law states that no person shall drive at a speed greater than is reasonable or prudent. The majority of drivers comply with this law. Speed limits set at the 85th percentile speed provide law enforcement officers with a means of controlling drivers who will not conform to what the majority considers reasonable and prudent.

When roadside development results in traffic conflicts and unusual conditions which are not readily apparent to drivers, speed limits somewhat below the 85th percentile may be justified.

CALIFORNIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (CAMUTCD):

Section 2B.13 CAMUTCD: Reduction of 85th Percentile Speed by Justification of an Engineering and Traffic Study and Approved by a Civil or Traffic Engineer.

Standard:

12a: When a speed limit is to be posted, it shall be established at the nearest 5 MPH increment of the 85th-percentile speed of free-flowing traffic, except as shown in the two Options below for rounding down and using 5 mph speed reduction (CVC Section 22358.6(b)), or rounding up (CVC Section 22358.6(c)), or if using additional 5 mph speed reduction on local agency roadways for safety corridor designation (CVC

Section 22358.7(a)(1)) or adjacent to land or facility generating high concentrations of bicyclists and pedestrians (CVC Section 22358.7(a)(2)).

Option:

1. For cases in which the nearest 5 mph increment of the 85th-percentile speed would require a rounding down, the posted speed may be reduced by 5 mph from the nearest 5 mph increment of the 85th-percentile speed, in compliance with CVC Sections 627 and 22358.5. CVC Sections 22353, 22353.2, 22353.3, 22353.4, and 22353.5, may also be considered, if applicable. See Standard below for documentation requirements. Refer to CVC Section 22358.6(b).

2. For cases in which the nearest 5 mph increment of the 85th-percentile speed would require a rounding up, then the speed limit may be rounded down to the nearest 5 mph increment below the 85th percentile speed, if no further reduction is used. Refer to CVC Section 21400(b). Refer to CVC Section 22358.6(c).

Standard:

12b: If the speed limit to be posted has had the 5 MPH reduction applied, then an E&TS shall document in writing the conditions and justification for the lower speed limit and be approved by a registered Civil or Traffic Engineer. The reasons for the lower speed limit shall be in compliance with CVC Sections 627 and 22358-22358.5.

Support:

12c: The following example is provided to explain the application of this speed limit criteria:

A. If the 85th percentile speed in a speed survey for a location was 37 MPH, then the speed limit would be established at 35 MPH since it is the closest 5 MPH increment to the 37 MPH speed. As indicated by the option, this 35 MPH established speed limit could be reduced by 5 MPH to 30 MPH if the conditions and justification for using this lower speed limit are documented in the E&TS and approved by a registered Civil or Traffic Engineer.

The fundamentals used to establish speed limits recognize that the majority of drivers behave in a safe and reasonable manner but need to be advised of conditions which may not be readily apparent. For this reason, collision history, roadway conditions, traffic characteristics, and land use must be analyzed along with speed measurements to determine speed limits. Speed limit changes are usually coordinated with visible changes in roadway conditions or roadside developments.

In general, speed limits cannot be successfully enforced without voluntary compliance by a majority of drivers. Consequently, only the driver whose behavior is clearly out of line with the normal flow of traffic is considered a violator for enforcement purposes.

DATA COLLECTION:

Data was obtained regarding the prevailing speed of vehicles, traffic collisions, visibility restrictions, roadway conditions, pedestrian activities, on-street parking, and land use adjacent to the roadways. Radar speed measurements were conducted during the month of December 2023 and January 2024.

Highway, traffic, and roadside land uses were analyzed for conditions not readily apparent to motorists. The criteria and procedures described below were applied when using the electronic radar to measure vehicle speeds on the selected streets in City of Monterey Park. Traffic volume and speed in both directions were recorded.

The hours of radar operation were restricted to off-peak period for heavily traveled streets, and to non-congested peak periods on lightly traveled streets on a weekday. The radar measurements were taken from an unmarked vehicle so as not to alter or impede the free flow of traffic.

A total of 100 samples were obtained for each street segment surveyed, where possible. In no case were sample sizes less than 50 vehicles for each direction. For lower volume streets, samples of free-flowing speeds were taken over several periods/days in order to gather the required survey samples.

Collision data was obtained from the computerized accident records system maintained by the State of California Statewide Integrated Traffic Records System (SWITRS). For purposes of this study, information available for the most recent 3.0 year period was used to develop the collision statistics as a part of the Engineering and Traffic Surveys. Collision data was obtained for the years of 2021, 2022 to December 2023.

Average Daily Traffic (ADT) data at the studied locations were obtained from counts taken by a private traffic counting firm in January 2024. These counts were taken while schools were in session. Any unusual counts were checked and redone in order to verify the amount of traffic each segment carries. The ADT counts were taken by NDS Services.

National Data & Surveying Services
8370 Wilshire Blvd. Ste, 205
Beverly Hills, CA 90211
Tel (323) 782-0090
www.ndsdata.com

PROCEDURES:

The radar equipment used to collect speed measurements was a SCOUT-MPH Traffic Radar, SHD-04287 serial number, manufactured by Decatur. The unit was calibrated before each series of measurements were taken. Tests of the unit were conducted in accordance with the manufacturer's specifications.

The results of the radar speed measurements were computed, analyzed, and summarized on standard Traffic Survey Forms. Significant values obtained from computations are as follows:

- The Critical Speed or 85th percentile speed, is the speed at or below which 85 percent of the traffic is moving. The Critical Speed is the primary guide in determining what the majority of drivers believe is safe and reasonable. Speed limits set higher than the Critical Speed are not considered reasonable and safe. The accepted practice is to set the speed limit at the nearest 5 MPH increment to the Critical Speed or 85th percentile speed unless other factors require a lower limit.
- The 5 or 10 MPH pace is a measure of the dispersion of speeds within the survey sample and is that 5 or 10 MPH increment containing the highest percentage of speeds in the total sample. The accepted practice is to keep the speed limit within the 10 MPH pace after considering the Critical Speed and any factors requiring a speed lower than the Critical Speed.

The collision data for each street segment was compared to collision rates that can be reasonably expected to occur on streets and highways of the same characteristics. These anticipated collision rates have been developed by Caltrans and are applicable for use in the City of Monterey Park. The collision rates used for this study are as follows:

CALIFORNIA STATE HIGHWAYS
STATEWIDE TRAVEL AND COLLISION RATES*

URBAN (Inside City)	EXPECTED COLLISION RATES
2 and 3 lanes	1.69
4 or more undivided	0.82
4 or more divided	0.89

*Source: *2021 Prepared 2023 Crash Summary for District 7 on California State Highways published by State of California, Business, Transportation and Housing Agency, Department of Transportation, Division of Traffic*

Current collision rates are shown in terms of "accidents per 1,000,000 vehicle miles of travel" for each segment. The rate was calculated for each segment using the following formula:

COLLISION RATE = (N x 5,280 x 1,000,000)/ (ADT x L x Y x 365)

N: number of collisions within the study segment
ADT: average daily traffic volume
L: length of segment in feet
Y: number of years of accident history

The Crossroads Software Collision Program calculated the collision rate for each of the segments.

As previously indicated, speed limits are usually set at or near the Critical Speed unless there are other factors not readily apparent to a reasonable motorist which may justify a lower limit. The field review of the selected street segments in the City of Monterey Park considered the following factors:

1. Street width and alignment.
2. Pedestrian activity and traffic flow characteristics.
3. Number of lanes, and other channelization and striping patterns.
4. Frequency of intersections, driveways, and on-street parking.
5. Location of stop signs, traffic signals, and other regulatory traffic control devices.
6. Visibility obstructions.
7. Land use and the proximity of schools.
8. Uniformity with existing speed zones in adjacent jurisdictions.
9. Any other unusual condition not readily apparent to the driver.
10. Location of any uncontrolled Crosswalks.
11. Bike lanes, bike routes.

SECTION 3: SUMMARY OF RECOMMENDATIONS

The Engineering and Traffic Survey summary presented in this report illustrate the results of a thorough evaluation of the data collected and provides a recommended speed limit for each street segment surveyed. In each case, the recommended speed limit is consistent with the prevailing behavior as demonstrated by the radar speed measurements.

The Legislature, in adopting Section 22358.5 of the California Vehicle Code, has made it clear that it is their intent that physical conditions such as width, curvature, grade and surface conditions, or any other condition readily apparent to a driver, in the absence of other factors, would not require special downward speed zoning. The basic rule of Section 22350 is sufficient regulation as to such conditions.

The recommendations contained in this report were intended to establish prima facie speed limits. Prima Facie limits advise the motorist and enforcement agencies of the reasonable speed for a section of highway for prevailing conditions. They are not intended to be absolute. All violations of these speed limits are violations of the basic speed law (Section 22350 of California Vehicle Code). This statute states that a person shall not drive a vehicle as a speed greater than is safe having regard for traffic, roadway, and weather conditions. A prima facie limit merely suggests a safe speed under normal conditions.

The following **Table 3** provides a summary of each of the segments included in the engineering and traffic survey indicating the existing posted speed limit, ADT, number of collisions, collision rates, 85th percentile speed, change in limit and proposed 2024 speed limit.

Table 3: City of Monterey Park 2024 Engineering and Traffic Survey Summary
Adopted by Monterey Park Council Resolution No. XX-XX on XX, 2024

ID	Primary Location	Limits		Street Class. (A)	Existing Posted Speed	2023/ 2024 ADT	No. of Acc. in 4.0/yr per.	Collision Rate	Expected Collision Rate	85% Speed	10 MPH Pace	Limit Per 85%	Change in Limit? Yes/No	Adopted 2024 Speed Limit
		Beginning	Ending											
1	Hellman Avenue	Atlantic Boulevard	Garfield Avenue	Secondary	30	7409	6	1.14	1.69	32.4	25-34	30	No	30
2	Hellman Avenue	Garfield Avenue	New Avenue	Secondary	35	9731	13	1.47	1.69	32.3	25-34	30	Yes	30

(A): Street Classifications taken from the California Road Systems Map – FHA and Caltrans based on CVC40802(b)(1)

When a speed limit is to be posted, it shall be established at the nearest 5mph increment of the 85th% speed of free-flowing traffic (CVC Section 22358.8.6a, except as shown in the options below for rounding down and/or using a 5mph speed reduction.

- Option 1: CVC 21400 (b) allows a 5 MPH Reduction in 85th% speed by 5 MPH for Rounding Down to Nearest Posted Limit if no further reduction is used.
- Option 2: CVC 627, 22358.5 and CAMUTCD 2B.13 allows the posted speed to be reduced by 5 MPH from the 85th% speed due to road conditions, and land use.
- Option 3: CVC 627, 22358.5 posted speed may be set 5 MPH lower than 85th% speed based on a higher-than-expected collision rate, land use and roadway conditions.

SECTION 4: ENGINEERING AND TRAFFIC SURVEY SUMMARY FORMS

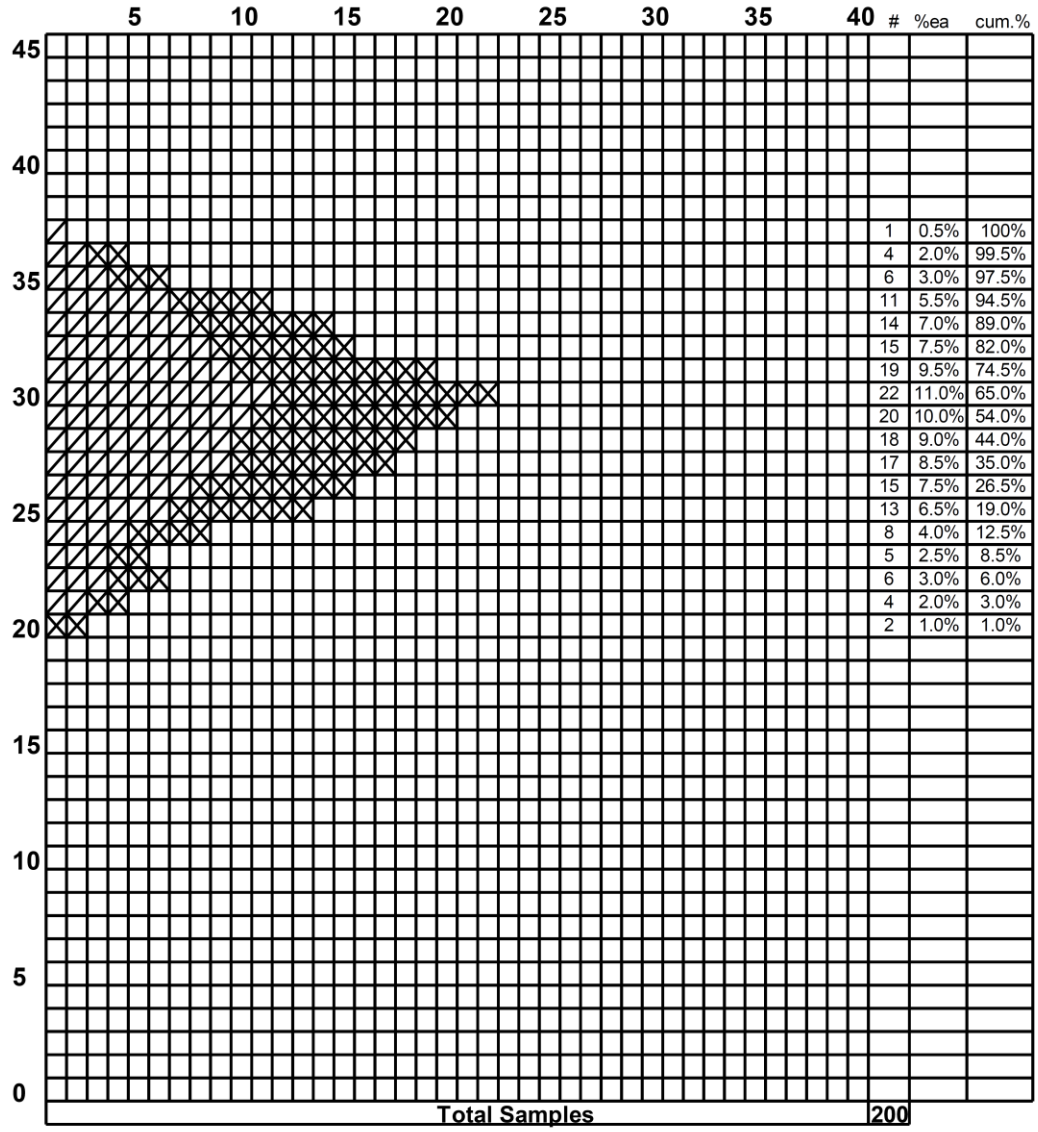
The following pages consist of the Engineering and Traffic Survey Grid and Summary Forms for each segment included in the Hellman Avenue Survey.

City of Monterey Park
Public Works Department

Street Name: HELLMAN AVENUE
Limits: ATLANTIC BOULEVARD to GARFIELD AVENUE

Radar Survey Sheet

X=West /=East



#	%ea	cum.%
1	0.5%	100%
4	2.0%	99.5%
6	3.0%	97.5%
11	5.5%	94.5%
14	7.0%	89.0%
15	7.5%	82.0%
19	9.5%	74.5%
22	11.0%	65.0%
20	10.0%	54.0%
18	9.0%	44.0%
17	8.5%	35.0%
15	7.5%	26.5%
13	6.5%	19.0%
8	4.0%	12.5%
5	2.5%	8.5%
6	3.0%	6.0%
4	2.0%	3.0%
2	1.0%	1.0%

85th Percentile Speed:	32.4
50th Percentile Speed:	28.6
15th Percentile Speed:	24.4
10 MPH Pace:	25- 34
Number in Pace:	164
Percent in Pace:	82.0%

Date of Survey:	11/17/2023	Start Time:	9:10
Weather:	Clear	End Time:	10:15
Road Condition	Fair to Poor	Posted Speed:	30
Street Class.:	Secondary Arterial		
Observer:	BR		
Conditions not Apparent:	Monterey Park is SS and Posted 30 MPH, Residential Character, Used as Cut Thru between Frwy Ramps for 10		

City of Monterey Park
Engineering and Traffic Survey
Summary

Street: HELLMAN AVENUE
Limits: ATLANTIC BOULEVARD
GARFIELD AVENUE

Field Observer BR
Checked By: JR
Date: 11/17/2023

Factors	Direction: East/West
A. Prevailing Speed Data	
Location of Survey	East of Huntington Avenue
85th Percentile	32.4
10 mph Pace	25 - 34
Percent in Pace	82.0%
Posted Speed Limit	30
B. Collision History	
Date Range	1/1/2021 To 12/18/2023 (3)
Total Collisions	6
Collision Rate (Acc/MVM)	1.14
Expected Collision Rate	1.69
C. Traffic Factors	
Average Daily Traffic	7409
Length of Segment	3466
Lane Configuration	Single Lane Each Direction
Street Classification	Secondary Arterial
D. Conditions Not Readily Apparent	
Conditions	Monterey Park is SS and Posted 30 MPH, Residential Character, Used as Cut Thru between Frwy Ramps for 10 Frwy
Roadway Geometrics	Double Yellow Center,Heavy Parking on Both Sides, Sidewalks
Comments	Posted Speed Limit is Set at 85th% Speed. Posted Speed Should Remain at 30 mph Per CVC 627 and 22350.
E. Adjacent Land Use	SFDU
Posted Speed Limit	30
Speed Limit Change?	No
Revised Speed Limit	

Approved and Authorized for release by City of Monterey Park:

_____ Date

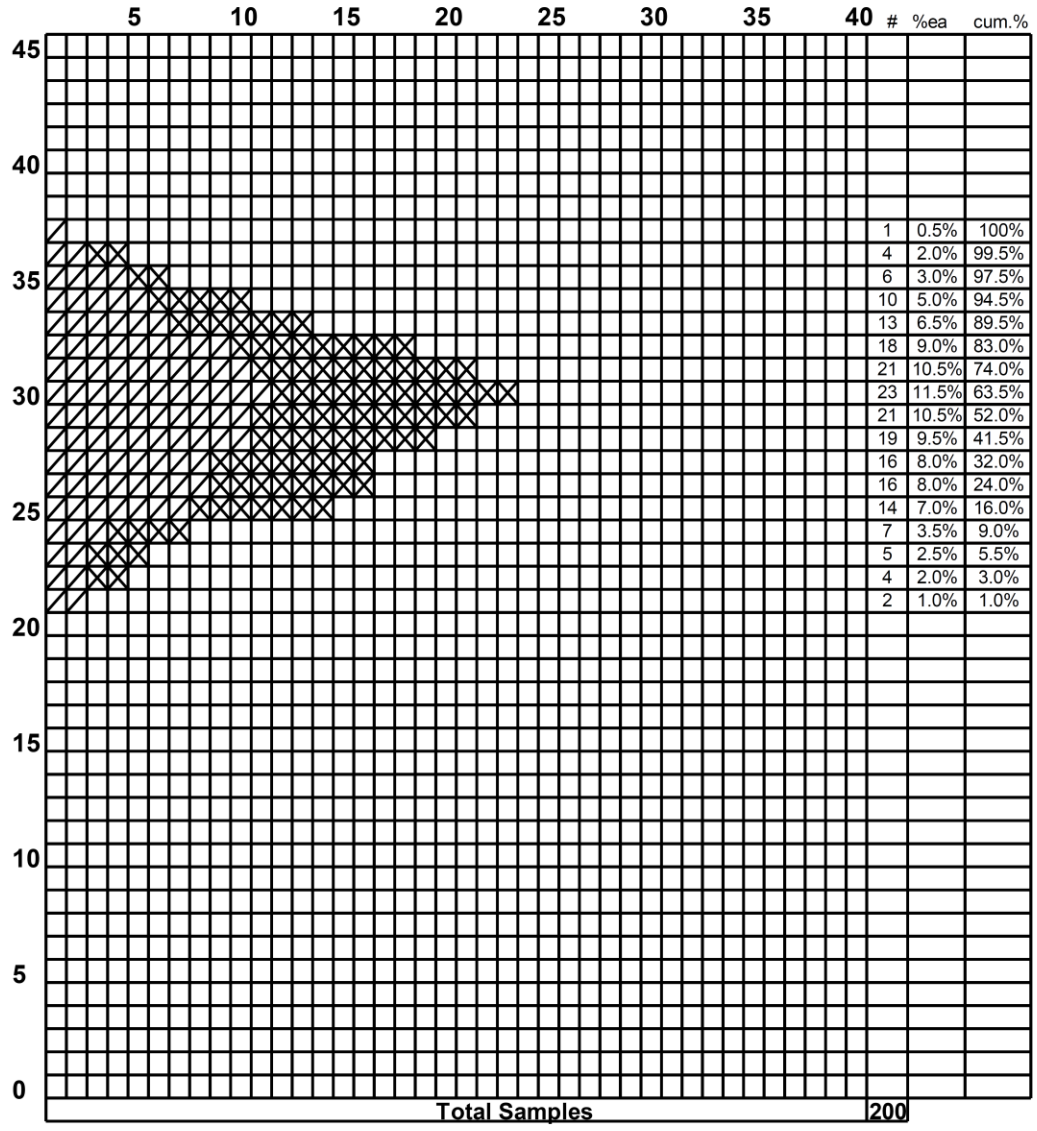
Loc. # 1

City of Monterey Park
Public Works Department

Street Name: HELLMAN AVENUE
Limits: GARFIELD AVENUE to NEW AVENUE

Radar Survey Sheet

X=West /=East



#	%ea	cum.%
1	0.5%	100%
4	2.0%	99.5%
6	3.0%	97.5%
10	5.0%	94.5%
13	6.5%	89.5%
18	9.0%	83.0%
21	10.5%	74.0%
23	11.5%	63.5%
21	10.5%	52.0%
19	9.5%	41.5%
16	8.0%	32.0%
16	8.0%	24.0%
14	7.0%	16.0%
7	3.5%	9.0%
5	2.5%	5.5%
4	2.0%	3.0%
2	1.0%	1.0%
200		

85th Percentile Speed:	32.3
50th Percentile Speed:	28.8
15th Percentile Speed:	24.9
10 MPH Pace:	25- 34
Number in Pace:	171
Percent in Pace:	85.5%

Date of Survey:	11/17/2023	Start Time:	10:25
Weather:	Clear	End Time:	11:15
Road Condition	Fair to Poor	Posted Speed:	35
Street Class.:	Secondary Arterial		
Observer:	BR		
Conditions not Apparent:	City of Monterey Park is South Side or EB, MP Posted Speed is 35, Mark Keppel HS, Uncontrolled Crossing at		

City of Monterey Park
Engineering and Traffic Survey
Summary

Street: HELLMAN AVENUE
Limits: GARFIELD AVENUE
NEW AVENUE

Field Observer BR
Checked By: JR
Date: 11/17/2023

Factors	Direction: East/West
A. Prevailing Speed Data	
Location of Survey	East of Chapel Avenue
85th Percentile	32.3
10 mph Pace	25 - 34
Percent in Pace	85.5%
Posted Speed Limit	35
B. Collision History	
Date Range 1/1/2021 To 12/18/2023 (3)	
Total Collisions	13
Collision Rate (Acc/MVM)	1.471
Expected Collision Rate	1.69
C. Traffic Factors	
Average Daily Traffic	9731
Length of Segment	4432
Lane Configuration	Single Lane Each Direction
Street Classification	Secondary Arterial
D. Conditions Not Readily Apparent	
Conditions	City of Monterey Park is South Side or EB, MP Posted Speed is 35, Mark Keppel HS, Uncontrolled Crossing at Rural, Heavy Peds
Roadway Geometrics	Double Yellow Divider, Heavy Street Parking, Sidewalks Both Sides, Lighting on NS
Comments	Recommended Speed Limit Per 85th% is 30mph. Posted Speed Should be Reduced to 30 mph. Per CVC 627 and 21400.
E. Adjacent Land Use	SFDU/MFDU/School
Posted Speed Limit	35
Speed Limit Change?	Yes
Revised Speed Limit	30

Approved and Authorized for release by City of Monterey Park:

_____ Date

Loc. # 2

SECTION 5: AVERAGE DAILY TRAFFIC (ADT) COUNTS

The following pages consist of the ADT count sheets for all segments.

The Average Daily Traffic (ADT) data was obtained from counts taken by a private traffic counting firm in January 2024. These counts were taken while school was in session.

ADT counts were taken by NDS Services.

National Data & Surveying Services
8370 Wilshire Blvd. Ste, 205
Beverly Hills, CA 90211
Tel (323) 782-0090
Fax (323)375-1666
www.ndsdata.com

Prepared by NDS/ATD
Prepared by National Data & Surveying Services

VOLUME

W Hellman Ave E/O N Chandler Ave

Day: Wednesday
Date: 11/1/2023

City: Monterey Park
Project #: CA23_020412_001

DAILY TOTALS	NB	SB	EB	WB	Total
	0	0	3,585	3,824	7,409

AM Period	NB	SB	EB		WB		TOTAL		PM Period	NB	SB	EB		WB		TOTAL	
0:00	0	0	11		12		23		12:00	0	0	44		51		95	
0:15	0	0	10		4		14		12:15	0	0	49		68		117	
0:30	0	0	16		6		22		12:30	0	0	52		60		112	
0:45	0	0	11	48	7	29	18	77	12:45	0	0	48	193	59	238	107	431
1:00	0	0	11		3		14		13:00	0	0	62		54		116	
1:15	0	0	6		4		10		13:15	0	0	56		76		132	
1:30	0	0	5		5		10		13:30	0	0	46		55		101	
1:45	0	0	8	30	6	18	14	48	13:45	0	0	46	210	73	258	119	468
2:00	0	0	6		6		12		14:00	0	0	60		49		109	
2:15	0	0	4		8		12		14:15	0	0	50		53		103	
2:30	0	0	3		4		7		14:30	0	0	65		59		124	
2:45	0	0	8	21	5	23	13	44	14:45	0	0	62	237	52	213	114	450
3:00	0	0	3		5		8		15:00	0	0	74		65		139	
3:15	0	0	1		4		5		15:15	0	0	72		57		129	
3:30	0	0	5		6		11		15:30	0	0	80		66		146	
3:45	0	0	2	11	3	18	5	29	15:45	0	0	77	303	74	262	151	565
4:00	0	0	3		7		10		16:00	0	0	85		58		143	
4:15	0	0	2		8		10		16:15	0	0	88		62		150	
4:30	0	0	2		9		11		16:30	0	0	97		71		168	
4:45	0	0	6	13	4	28	10	41	16:45	0	0	83	353	70	261	153	614
5:00	0	0	2		9		11		17:00	0	0	88		74		162	
5:15	0	0	4		13		17		17:15	0	0	73		74		147	
5:30	0	0	6		17		23		17:30	0	0	114		67		181	
5:45	0	0	3	15	23	62	26	77	17:45	0	0	80	355	63	278	143	633
6:00	0	0	9		19		28		18:00	0	0	98		64		162	
6:15	0	0	6		27		33		18:15	0	0	107		64		171	
6:30	0	0	4		29		33		18:30	0	0	70		64		134	
6:45	0	0	12	31	34	109	46	140	18:45	0	0	71	346	41	233	112	579
7:00	0	0	10		42		52		19:00	0	0	42		48		90	
7:15	0	0	26		64		90		19:15	0	0	48		41		89	
7:30	0	0	34		78		112		19:30	0	0	49		52		101	
7:45	0	0	47	117	82	266	129	383	19:45	0	0	47	186	40	181	87	367
8:00	0	0	55		83		138		20:00	0	0	36		29		65	
8:15	0	0	41		89		130		20:15	0	0	47		35		82	
8:30	0	0	34		65		99		20:30	0	0	49		36		85	
8:45	0	0	43	173	57	294	100	467	20:45	0	0	36	168	21	121	57	289
9:00	0	0	26		54		80		21:00	0	0	34		29		63	
9:15	0	0	37		83		120		21:15	0	0	35		36		71	
9:30	0	0	32		58		90		21:30	0	0	43		33		76	
9:45	0	0	45	140	63	258	108	398	21:45	0	0	36	148	29	127	65	275
10:00	0	0	45		50		95		22:00	0	0	30		16		46	
10:15	0	0	27		45		72		22:15	0	0	26		14		40	
10:30	0	0	40		59		99		22:30	0	0	25		24		49	
10:45	0	0	44	156	69	223	113	379	22:45	0	0	20	101	13	67	33	168
11:00	0	0	46		56		102		23:00	0	0	27		9		36	
11:15	0	0	31		44		75		23:15	0	0	17		14		31	
11:30	0	0	38		61		99		23:30	0	0	13		8		21	
11:45	0	0	50	165	57	218	107	383	23:45	0	0	8	65	8	39	16	104
TOTALS				920		1546		2466	TOTALS				2665		2278		4943
SPLIT %				37.3%		62.7%		33.3%	SPLIT %				53.9%		46.1%		66.7%

DAILY TOTALS	NB	SB	EB	WB	Total
	0	0	3,585	3,824	7,409

AM Peak Hour			11:45	7:30	7:30	PM Peak Hour			17:30	16:30	17:30
AM Pk Volume			195	332	509	PM Pk Volume			399	289	657
Pk Hr Factor			0.938	0.933	0.922	Pk Hr Factor			0.875	0.976	0.907
7 - 9 Volume	0	0	290	560	850	4 - 6 Volume	0	0	708	539	1247
7 - 9 Peak Hour			7:30	7:30	7:30	4 - 6 Peak Hour			16:45	16:30	16:45
7 - 9 Pk Volume	0	0	177	332	509	4 - 6 Pk Volume	0	0	358	289	643
Pk Hr Factor	0.000	0.000	0.805	0.933	0.922	Pk Hr Factor	0.000	0.000	0.785	0.976	0.888

Prepared by NDS/ATD

Prepared by National Data & Surveying Services

VOLUME

W Hellman Ave E/O N Lincoln Ave/S Monterey St

Day: Wednesday
Date: 11/1/2023

City: Monterey Park
Project #: CA23_020412_005

DAILY TOTALS	NB	SB	EB	WB	Total
	0	0	5,338	4,393	9,731

AM Period	NB	SB	EB		WB		TOTAL		PM Period	NB	SB	EB		WB		TOTAL	
0:00	0	0	19		15		34		12:00	0	0	103		55		158	
0:15	0	0	14		11		25		12:15	0	0	76		61		137	
0:30	0	0	16		4		20		12:30	0	0	109		91		200	
0:45	0	0	13	62	9	39	22	101	12:45	0	0	94	382	71	278	165	660
1:00	0	0	10		11		21		13:00	0	0	98		55		153	
1:15	0	0	11		6		17		13:15	0	0	96		76		172	
1:30	0	0	10		10		20		13:30	0	0	99		64		163	
1:45	0	0	10	41	8	35	18	76	13:45	0	0	107	400	91	286	198	686
2:00	0	0	5		7		12		14:00	0	0	90		54		144	
2:15	0	0	7		9		16		14:15	0	0	103		72		175	
2:30	0	0	5		3		8		14:30	0	0	103		63		166	
2:45	0	0	3	20	6	25	9	45	14:45	0	0	121	417	66	255	187	672
3:00	0	0	4		4		8		15:00	0	0	119		52		171	
3:15	0	0	6		4		10		15:15	0	0	87		45		132	
3:30	0	0	2		7		9		15:30	0	0	104		70		174	
3:45	0	0	6	18	10	25	16	43	15:45	0	0	76	386	50	217	126	603
4:00	0	0	5		5		10		16:00	0	0	87		82		169	
4:15	0	0	1		1		2		16:15	0	0	110		50		160	
4:30	0	0	7		6		13		16:30	0	0	89		70		159	
4:45	0	0	2	15	6	18	8	33	16:45	0	0	101	387	75	277	176	664
5:00	0	0	2		15		17		17:00	0	0	129		52		181	
5:15	0	0	4		10		14		17:15	0	0	101		66		167	
5:30	0	0	8		23		31		17:30	0	0	118		55		173	
5:45	0	0	12	26	17	65	29	91	17:45	0	0	107	455	76	249	183	704
6:00	0	0	8		25		33		18:00	0	0	148		78		226	
6:15	0	0	9		33		42		18:15	0	0	112		101		213	
6:30	0	0	13		43		56		18:30	0	0	108		73		181	
6:45	0	0	15	45	52	153	67	198	18:45	0	0	63	431	55	307	118	738
7:00	0	0	20		56		76		19:00	0	0	69		61		130	
7:15	0	0	40		80		120		19:15	0	0	64		63		127	
7:30	0	0	54		103		157		19:30	0	0	60		53		113	
7:45	0	0	75	189	88	327	163	516	19:45	0	0	65	258	38	215	103	473
8:00	0	0	104		94		198		20:00	0	0	51		33		84	
8:15	0	0	78		87		165		20:15	0	0	49		30		79	
8:30	0	0	46		56		102		20:30	0	0	49		44		93	
8:45	0	0	66	294	89	326	155	620	20:45	0	0	54	203	32	139	86	342
9:00	0	0	72		75		147		21:00	0	0	29		37		66	
9:15	0	0	58		101		159		21:15	0	0	50		25		75	
9:30	0	0	78		78		156		21:30	0	0	42		39		81	
9:45	0	0	77	285	73	327	150	612	21:45	0	0	37	158	38	139	75	297
10:00	0	0	80		64		144		22:00	0	0	37		29		66	
10:15	0	0	86		86		172		22:15	0	0	38		27		65	
10:30	0	0	76		80		156		22:30	0	0	32		25		57	
10:45	0	0	87	329	65	295	152	624	22:45	0	0	22	129	21	102	43	231
11:00	0	0	91		51		142		23:00	0	0	23		20		43	
11:15	0	0	82		60		142		23:15	0	0	24		12		36	
11:30	0	0	87		48		135		23:30	0	0	14		9		23	
11:45	0	0	74	334	83	242	157	576	23:45	0	0	13	74	11	52	24	126
TOTALS				1658		1877		3535	TOTALS				3680		2516		6196
SPLIT %				46.9%		53.1%		36.3%	SPLIT %				59.4%		40.6%		63.7%

DAILY TOTALS	NB	SB	EB	WB	Total
	0	0	5,338	4,393	9,731

AM Peak Hour			11:45	7:30	7:30	PM Peak Hour	17:30	17:45	17:45
AM Pk Volume			362	372	683	PM Pk Volume	485	328	803
Pk Hr Factor			0.830	0.903	0.862	Pk Hr Factor	0.819	0.812	0.888
7 - 9 Volume	0	0	483	653	1136	4 - 6 Volume	842	526	1368
7 - 9 Peak Hour			7:30	7:30	7:30	4 - 6 Peak Hour	17:00	16:00	17:00
7 - 9 Pk Volume	0	0	311	372	683	4 - 6 Pk Volume	455	277	704
Pk Hr Factor	0.000	0.000	0.748	0.903	0.862	Pk Hr Factor	0.882	0.845	0.962

ATTACHMENT 2
August 21, 2024 Staff Report

City Council Staff Report

DATE: August 21, 2024

AGENDA ITEM NO: New Business - 5A

TO: The Honorable Mayor and City Council

FROM: Shawn Igoe, Director of Public Works

SUBJECT: Consideration and possible action to introduce and waive first reading of an Ordinance adopting an engineering and traffic survey for Hellman Avenue between Atlantic Boulevard and New Avenue, and reducing the speed limit on Hellman Avenue, between Garfield Avenue and New Avenue, from 35 mph to 30 MPH.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving first reading for an Ordinance reducing the speed limit on Hellman Avenue, between Garfield Avenue and New Avenue, from 35 mph to 30 mph; and
2. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of the proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*; "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, *et seq.*, the "CEQA Guidelines"). CEQA Guideline § 15303 exempts activity that results in new construction or conversion of small structures. If adopted, the Ordinance revises the speed limit on Hellman Avenue, between Garfield Avenue, and New Avenue, which requires installation of level street signage. Accordingly, the Ordinance is exempt from further review.

BOARD/COMMISSION REVIEW:

The Public Works Director presented a draft engineering and traffic survey evaluating safe and reasonable speed limits on two segments of Hellman Avenue (between Atlantic Boulevard and Garfield Avenue, and Garfield Avenue and New Avenue; the "ETS"), including its recommendations, to the Traffic Commission on July 18, 2024. The Traffic Commission was informed that the item would be presented to the City Council for consideration, and it did not express any questions or concerns.

EXECUTIVE SUMMARY:

The City's consultant, Transtech Engineers, Inc., completed the ETS pursuant to California law including, without limitation, California Vehicle Code section 627, for the purpose of establishing safe and reasonable speed limits. These may be enforced using

radar at pre-determined locations. The ETS recommends reducing the speed limit on Hellman Avenue, between Garfield Avenue and New Avenue from 35 miles-per-hour ("MPH") to 30 MPH. No changes are proposed to the speed limit on Hellman Avenue between Atlantic Boulevard and Garfield Avenue (which is currently at 30 MPH).

Accordingly, the Public Works Director ("Director") recommends that the City Council consider introducing and waiving first reading of the attached Ordinance which adopts the ETS, declares that the speed limit on Hellman Avenue, between Garfield Avenue and New Avenue, is 30 MPH and directs the City Manager, or designee, to erect signage to that effect.

BACKGROUND:

Hellman Avenue is designated as a "Minor Arterial Road" according to the Monterey Park Circulation Element and California Road System Map by Caltrans. Jurisdiction of Hellman Avenue between Atlantic Boulevard and New Avenue is shared by the City of Monterey Park ("City") and the City of Alhambra ("Alhambra").

The south side (eastbound direction) of Hellman Avenue lies within the City's jurisdiction while the north side (westbound direction) is within Alhambra's jurisdiction. In a recent study, it was determined that the City and Alhambra had conflicting posted speed limits along Hellman Avenue between Garfield Avenue and New Avenue. The regular posted speed limit along this segment within the City's jurisdiction is 35 MPH, while the Alhambra side is 30 MPH.

The ETS evaluates Hellman Avenue from Atlantic Boulevard to New Avenue based on several factors including prevailing speeds, accident reports, and roadside conditions not readily apparent to drivers to determine a safe and reasonable speed limit. The ETS recommends: (1) no changes to the segment of Hellman Avenue between Atlantic Boulevard and Garfield Avenue (i.e., there have been no significant changes in roadway or traffic conditions, including, without limitation, changes in adjoining property or land use, roadway width, or traffic volume); and (2) a speed limit of 30 MPH on the segment of Hellman Avenue within the City's jurisdiction between Garfield Avenue and New Avenue. The speed limit within the school zone near Mark Keppel High School will remain 25 MPH.

By preparing the ETS, and after appropriate signage is posted giving notice of the speed limits, the City's Police Department will be able to use radar and other electronic devices that measure the speed of moving objects to enforce the posted speed limit. This authority will remain in effect for not less than seven years for the segment of Hellman Avenue between Garfield Avenue and New Avenue, and 14 years for the segment of Hellman Avenue between Atlantic Boulevard and Garfield Avenue.[1]

[1] When a posted speed limit is not justified by an engineering and traffic survey and enforcement of the posted speed is done by radar, the particular segment of highway may be classified as a speed trap and be unenforceable. (*see* California Vehicle Code section 40802).

The minor reduction in speed limit between Garfield Avenue and New Avenue is not anticipated to have a detrimental impact on the existing level of service because this segment of roadway transitions from 30 MPH to 35 MPH and back to 30 MPH in a short period of time. Making this change should improve consistent travel down this roadway.

2024-25 STRATEGIC PLAN GOAL:

The proposed Ordinance supports the City's strategic goal to maintain, build and modernize infrastructure and facilities to support the current and future needs of the City and community.

FISCAL IMPACT:

Upon adoption of the proposed ordinance, City staff will replace the speed limit signs along the affected area on Hellman Avenue. The cost for sign replacement is included in the City's FY 2024-25 operational budget in Traffic Control account 239-4206-5315

Respectfully submitted by:

Shawn Igoe
Public Works Director

Approved by:

Inez Alverez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENT:

1. Draft Ordinance (including Exhibit "A" (ETS))

City Council Staff Report

DATE: September 4, 2024
AGENDA ITEM NO: Consent Calendar - 3I

TO: The Honorable Mayor and City Council
FROM: Shawn Igoe, Director of Public Works
SUBJECT: Waive Spirit Bus Fares for Clean Air Day 2024

RECOMMENDATION:

It is recommended that the City Council consider:

1. Waiving Spirit Bus fare for riders on October 2, 2024 in honor of California Clean Air Day; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

It is recommended that City Council waive the fare to the Spirit Bus on Wednesday, October 2, 2024, in celebration of California Clean Air Day. California Clear Air Day is a statewide initiative dedicated to raising awareness about and promoting a collective effort to improve air quality. Free rides on the Spirit Bus will promote public transportation and reduce traffic and the City's carbon footprint through the reduction of automobile emissions. This action will support the City's *Going Green* initiative to encourage the community to consider environmentally friendly activities such as using alternative forms of transportation. LA County Metro and Montebello Bus Lines, both who provide public transportation service to the City, also participate in free fares for California Clean Air Day.

FISCAL IMPACT:

The Spirit Bus fare is $0.25 per passenger per boarding. Based on the most current ridership data, there are an average of 286 Spirit Bus boardings on Wednesdays. The fiscal impact of waiving bus fares in honor of California Clean Air Day is approximately $71.50. This revenue loss will be from General Funds.

Respectfully submitted by:

Shawn Igoe
Director of Public Works

Reviewed by:

Martha Garcia
Director of Finance

Approved by:

Inez Alvarez
City Manager

Approved as to Form: Karl H. Berger, City Attorney
Reviewed by:

Solange Fortenbach
Deputy City Attorney

ATTACHMENT:
None

City Council Staff Report

DATE: September 4, 2024
AGENDA ITEM NO: Consent Calendar - 3J

TO: The Honorable Mayor and City Council
FROM: Shawn Igoe, Director of Public Works
SUBJECT: Floral Drive Traffic Improvement – Short Term Plan

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a resolution approving the plans and specifications for the Floral Drive Traffic Improvement Project – Short Term Plan; and
2. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of the proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). CEQA Guideline § 15301(c) (Existing Facilities) exempts the operation, repair, maintenance, alteration of existing public or private structures which involve negligible or no expansion of existing or former use. The proposed work will occur entirely within an existing structure. Accordingly, no further environmental review is required.

EXECUTIVE SUMMARY:

Staff submitted an application for the Active Transportation Program (ATP) Cycle 7 Grant to fund the Floral Drive Traffic Improvement Long-Term Plan, which aims to implement permanent traffic measures along Floral Drive. In the interim, staff have developed a short-term plan to implement the temporary measures. Staff recommends that the City Council accept plans and specifications for the Floral Drive Traffic Improvement Project – Short Term Plan.

BACKGROUND:

Staff with the assistance of Metro and their consultants, submitted an application for the ATP Cycle 7 on July 2024. The Floral Drive Traffic Improvement Long-Term Plan includes widening sidewalks, installing a High-Intensity Activate Crosswalk (HAWK) signal, adding new crosswalks, and ADA ramps, among other enhancements. Results are typically

posted within a year. In the interim, staff have developed a short-term plan, which involves adding side buffer striping at intersections to improve line of sight and making sign enhancements. The short-term improvements will be completed by Public Works staff.

2024-25 STRATEGIC PLAN GOAL:

This project meets the City's goal to maintain, build and modernize infrastructure and facilities to support the current and future needs of our city and community as it aims to improve conditions of an arterial road. This project supports the City's goal to maintain fiscal stability of the city's financial resources by completing all work in-house.

FISCAL IMPACT:

There is no fiscal impact associated with adoption of the proposed resolution.

Respectfully submitted by:

Shawn Igoe
Director of Public Works

Approved by:

Inez Alvarez
City Manager

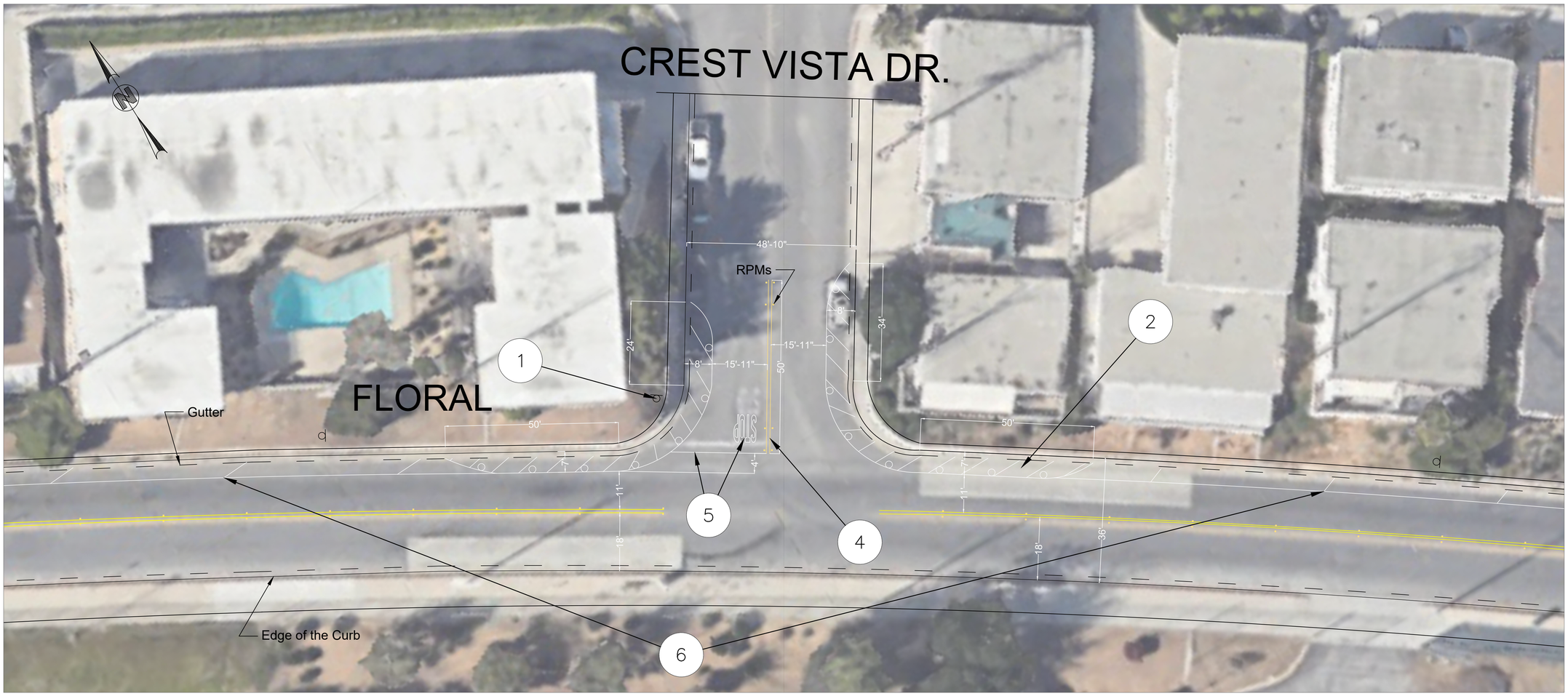
Approved as to form: Karl H. Berger, City Attorney
Reviewed by:

Solange Fortenbach
Deputy City Attorney

ATTACHMENT(S):

1. Floral Drive Traffic Improvement Plan
2. Resolution

ATTACHMENT 1
FLORAL DRIVE TRAFFIC IMPROVEMENT PLAN



CONSTRUCTION NOTE:

1. REMOVE AND REPLACE EXISTING SIGN POST WITH RED REFLECTIVE POST WITH "STOP" SIGN (R1-1) AND "CROSS TRAFFIC DOES NOT STOP" SIGN (W4-4P)
2. INSTALL SIDE STRIPING BUFFER AND DELINEATORS. SEE DETAIL B.
3. REMOVE WHITE SKIP LINE.
4. EXTEND DOUBLE YELLOW NO PASSING ZONE TWO DIRECTIONAL LINE WITH TYPE D RPMS TO THE STOP LIMIT BAR PER SPPWC, STD. PLAN NO.170-0 DETAIL 22
5. REMOVE AND INSTALL STOP LIMIT BAR AND "STOP" LEGEND PER SPPWC, STD. PLAN NO.172-0 AND 171-0.
6. INSTALL 8" WIDTH WHITE SIDE STRIPPING WITH 12" DIAGONAL LINE, 50 FEET APART EACH OTHER. SEE DETAIL A.

1" = 15'

0' 15' 30' 45' 50'

REV.	DATE	DESCRIPTION	BY	CHECKED	APPRV'D

CITY OF MONTEREY PARK, CALIFORNIA

DESIGN	
DRAWN BY	A.M
CHECKED	P.S
SCALE	

FLORAL DRIVE TRAFFIC IMPROVEMENT

PREPARED IN THE OFFICE OF
CITY OF MONTEREY PARK, ENGINEERING DEPARTMENT

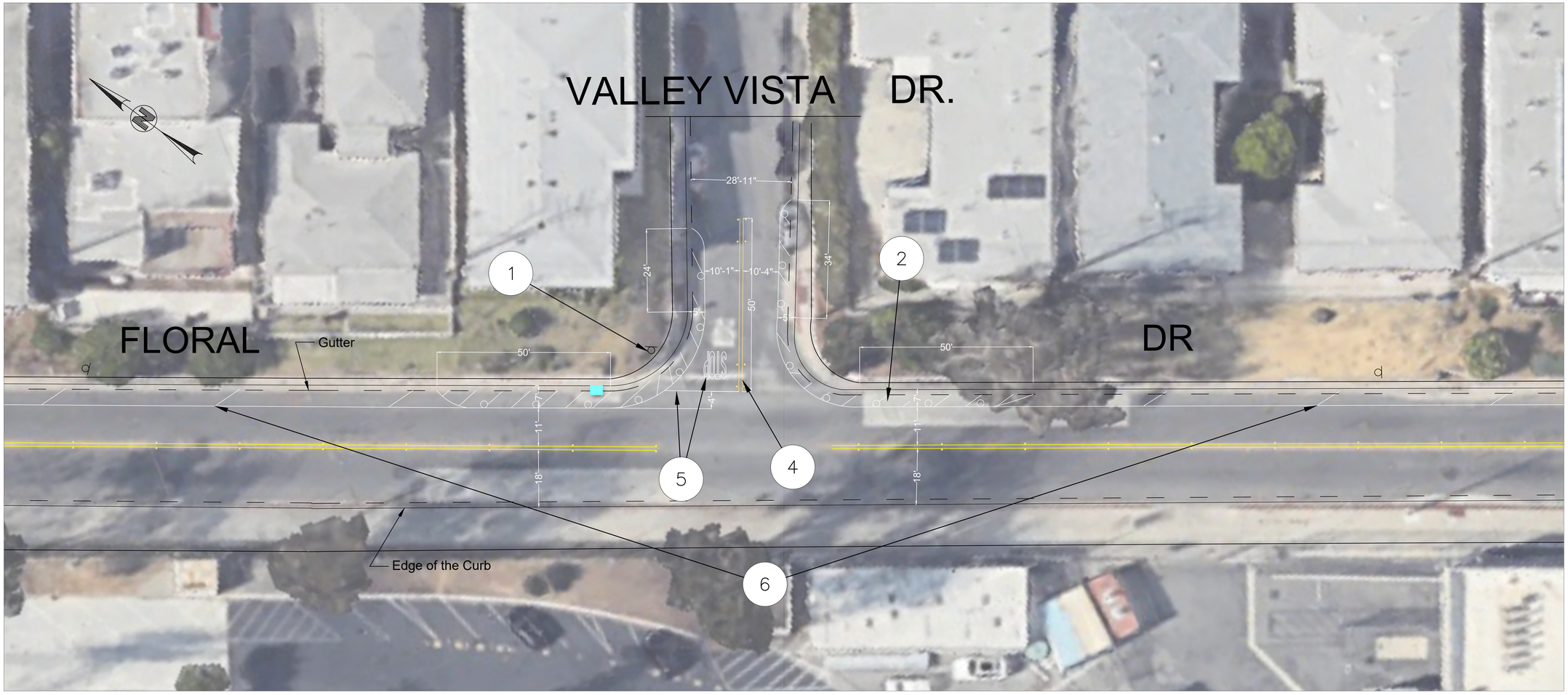
DATE DRAWN 8/27/2024

SHEET 1 OF 8

APPROVED ON 8/27 20 24

BY: _____
OKAN DEMIRCI, PE, ACTING CITY ENGINEER

DRAWING NO. D-1



CONSTRUCTION NOTE:

1. REMOVE AND REPLACE EXISTING SIGN POST WITH RED REFLECTIVE POST WITH "STOP" SIGN (R1-1) AND "CROSS TRAFFIC DOES NOT STOP" SIGN (W4-4P)
2. INSTALL SIDE STRIPING BUFFER AND DELINEATORS. SEE DETAIL B.
3. REMOVE WHITE SKIP LINE.
4. EXTEND DOUBLE YELLOW NO PASSING ZONE TWO DIRECTIONAL LINE WITH TYPE D RPMS TO THE STOP LIMIT BAR PER SPPWC, STD. PLAN NO.170-0 DETAIL 22
5. REMOVE AND INSTALL STOP LIMIT BAR AND "STOP" LEGEND PER SPPWC, STD. PLAN NO.172-0 AND 171-0.
6. INSTALL 8" WIDTH WHITE SIDE STRIPPING WITH 12" DIAGONAL LINE, 50 FEET APART EACH OTHER. SEE DETAIL A.

1" = 15'

0' 15' 30' 45' 50'

REV.	DATE	DESCRIPTION	BY	CHECKED	APPRV'D

CITY OF MONTEREY PARK, CALIFORNIA

DESIGN	
DRAWN BY	A.M
CHECKED	P.S
SCALE	

FLORAL DRIVE TRAFFIC IMPROVEMENT

PREPARED IN THE OFFICE OF
CITY OF MONTEREY PARK, ENGINEERING DEPARTMENT

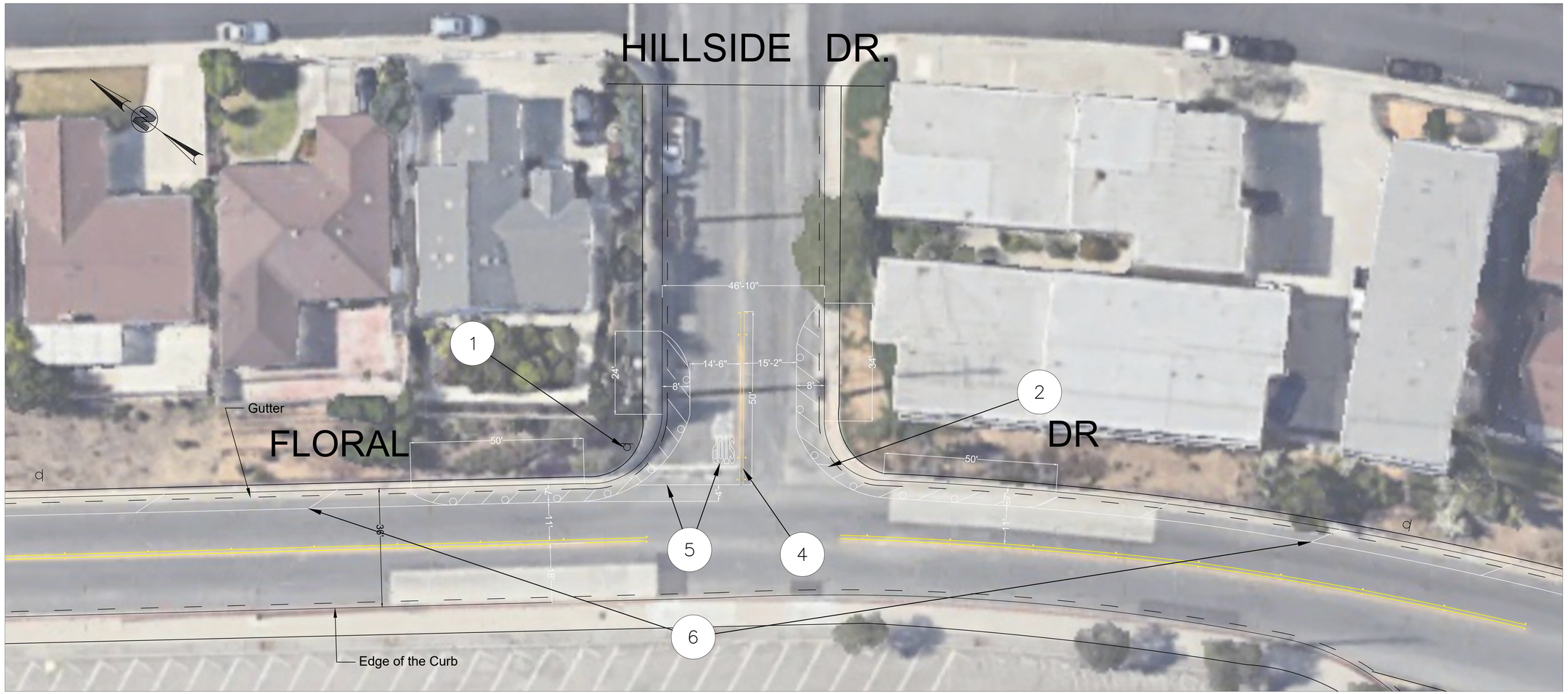
DATE DRAWN 8/27/2024

SHEET 2 OF 8

APPROVED ON 8/27 2024

BY: OKAN DEMIRCI, PE, ACTING CITY ENGINEER

DRAWING NO. D-2



CONSTRUCTION NOTE:

1. REMOVE AND REPLACE EXISTING SIGN POST WITH RED REFLECTIVE POST WITH "STOP" SIGN (R1-1) AND "CROSS TRAFFIC DOES NOT STOP" SIGN (W4-4P)
2. INSTALL SIDE STRIPING BUFFER AND DELINEATORS. SEE DETAIL B.
3. REMOVE WHITE SKIP LINE.
4. EXTEND DOUBLE YELLOW NO PASSING ZONE TWO DIRECTIONAL LINE WITH TYPE D RPMS TO THE STOP LIMIT BAR PER SPPWC, STD. PLAN NO.170-0 DETAIL 22
5. REMOVE AND INSTALL STOP LIMIT BAR AND "STOP" LEGEND PER SPPWC, STD. PLAN NO.172-0 AND 171-0.
6. INSTALL 8" WIDTH WHITE SIDE STRIPPING WITH 12" DIAGONAL LINE, 50 FEET APART EACH OTHER. SEE DETAIL A.

1" = 15'

0' 15' 30' 45' 50'

REV.	DATE	DESCRIPTION	BY	CHECKED	APPRV'D

CITY OF MONTEREY PARK, CALIFORNIA

DESIGN	
DRAWN BY	A.M
CHECKED	P.S
SCALE	

FLORAL DRIVE TRAFFIC IMPROVEMENT

PREPARED IN THE OFFICE OF
CITY OF MONTEREY PARK, ENGINEERING DEPARTMENT

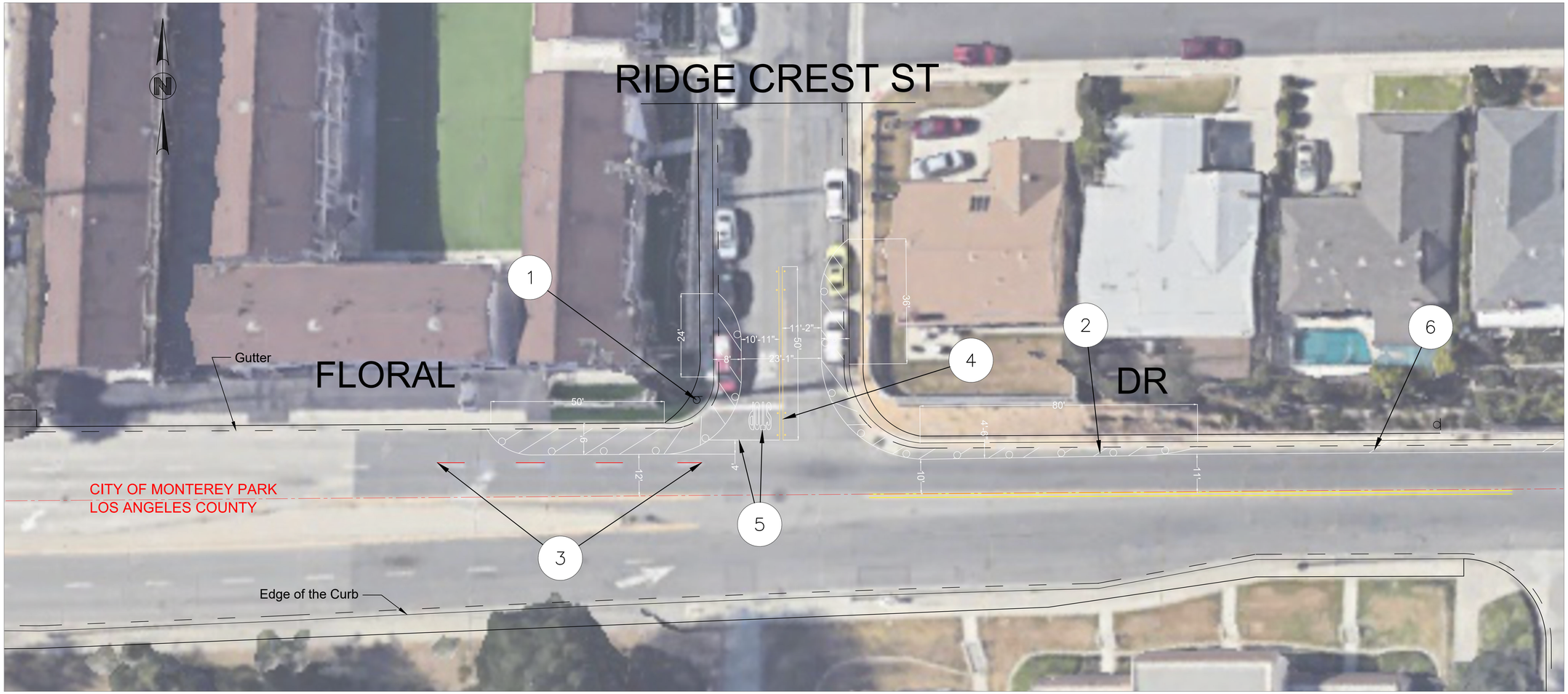
DATE DRAWN 8/27/2024

SHEET 3 OF 8

APPROVED ON 8/27 2024

BY: OKAN DEMIRCI, PE, ACTING CITY ENGINEER

DRAWING NO. D-3



CONSTRUCTION NOTE:

1. REMOVE AND REPLACE EXISTING SIGN POST WITH RED REFLECTIVE POST WITH "STOP" SIGN (R1-1) AND "CROSS TRAFFIC DOES NOT STOP" SIGN (W4-4P)
2. INSTALL SIDE STRIPING BUFFER AND DELINEATORS. SEE DETAIL B.
3. REMOVE WHITE SKIP LINE.
4. EXTEND DOUBLE YELLOW NO PASSING ZONE TWO DIRECTIONAL LINE WITH TYPE D RPMS TO THE STOP LIMIT BAR PER SPPWC, STD. PLAN NO.170-0 DETAIL 22
5. REMOVE AND INSTALL STOP LIMIT BAR AND "STOP" LEGEND PER SPPWC, STD. PLAN NO.172-0 AND 171-0.
6. INSTALL 8" WIDTH WHITE SIDE STRIPPING WITH 12" DIAGONAL LINE, 50 FEET APART EACH OTHER. SEE DETAIL A.

1" = 15'

0' 15' 30' 45' 50'

REV.	DATE	DESCRIPTION	BY	CHECKED	APPRV'D

CITY OF MONTEREY PARK, CALIFORNIA

DESIGN	
DRAWN BY	A.M
CHECKED	P.S
SCALE	

FLORAL DRIVE TRAFFIC IMPROVEMENT

PREPARED IN THE OFFICE OF
CITY OF MONTEREY PARK, ENGINEERING DEPARTMENT

DATE DRAWN 8/27/2024

SHEET 4 OF 8

APPROVED ON 8/27 2024

BY: OKAN DEMIRCI, PE, ACTING CITY ENGINEER

DRAWING NO. D-4





CONSTRUCTION NOTE:

1. INSTALL NEW SIGN POST WITH "DO NOT DRIVE ON SHOULDER" SIGN (R4-17). SIGNS SHALL BE 200 FEET APART EACH OTHER
2. INSTALL NEW SIGN POST WITH T INTERSECTION SIGN (W2-2). SIGNS SHALL BE INSTALLED 150 FEET BEFORE THE INTERSECTION

1" = 40'

0' 80' 240'
40' 160'

REV.	DATE	DESCRIPTION	BY	CHECKED	APPRV'D

CITY OF MONTEREY PARK, CALIFORNIA

DESIGN	
DRAWN BY	A.M
CHECKED	P.S
SCALE	

FLORAL DRIVE TRAFFIC IMPROVEMENT

PREPARED IN THE OFFICE OF
CITY OF MONTEREY PARK, ENGINEERING DEPARTMENT

DATE DRAWN 8/27/2024

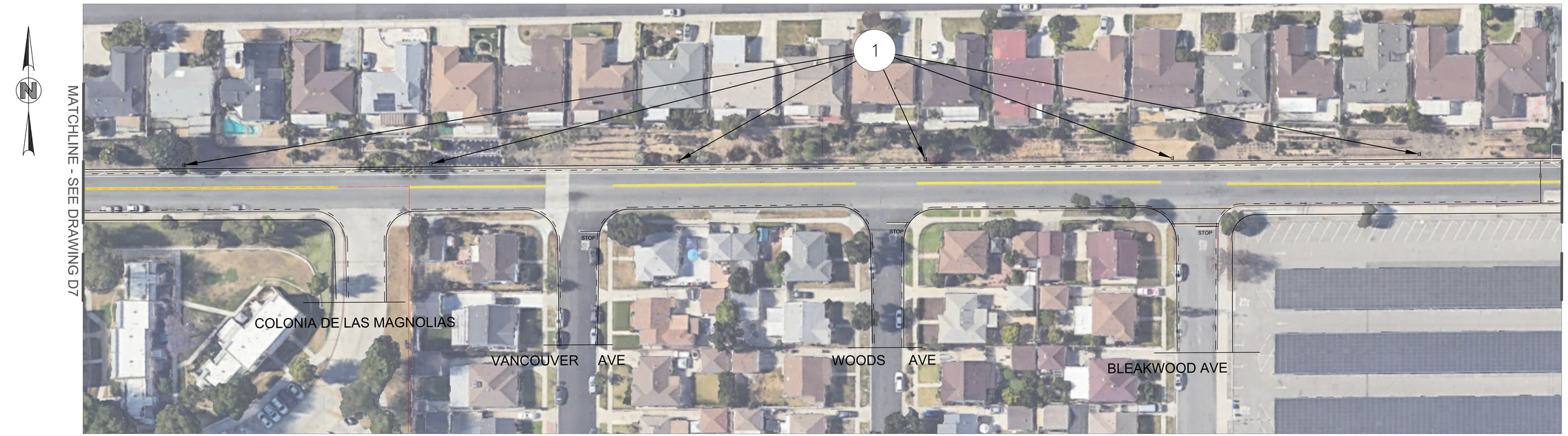
SHEET 5 OF 8

APPROVED ON 8/27 2024

BY: _____
OKAN DEMIRCI, PE, ACTING CITY ENGINEER

DRAWING NO. D-5





CONSTRUCTION NOTE:

1. INSTALL NEW SIGN POST WITH "DO NOT DRIVE ON SHOULDER" SIGN (R4-17). SIGNS SHALL BE 200 FEET APART EACH OTHER
2. INSTALL NEW SIGN POST WITH T INTERSECTION SIGN (W2-2). SIGNS SHALL BE INSTALLED 150 FEET BEFORE THE INTERSECTION

1" = 40'

0' 80' 240'
40' 160'

REV.	DATE	DESCRIPTION	BY	CHECKED	APPR'D

CITY OF MONTEREY PARK, CALIFORNIA

DESIGN
DRAWN BY A.M
CHECKED P.S
SCALE

FLORAL DRIVE TRAFFIC IMPROVEMENT

PREPARED IN THE OFFICE OF
CITY OF MONTEREY PARK, ENGINEERING DEPARTMENT

DATE DRAWN 8/27/2024
SHEET 6 OF 8
DRAWING NO. D-6

APPROVED ON 8/27 2024
BY: OKAN DEMIRCI, PE, ACTING CITY ENGINEER



CONSTRUCTION NOTE:

1. INSTALL NEW SIGN POST WITH "DO NOT DRIVE ON SHOULDER" SIGN (R4-17). SIGNS SHALL BE 200 FEET APART EACH OTHER
2. INSTALL NEW SIGN POST WITH T INTERSECTION SIGN (W2-2). SIGNS SHALL BE INSTALLED 150 FEET BEFORE THE INTERSECTION

1" = 40'

0' 80' 240'
40' 160'

REV.	DATE	DESCRIPTION	BY	CHECKED	APPRV'D

CITY OF MONTEREY PARK, CALIFORNIA

DESIGN	
DRAWN BY	A.M
CHECKED	P.S
SCALE	

FLORAL DRIVE TRAFFIC IMPROVEMENT

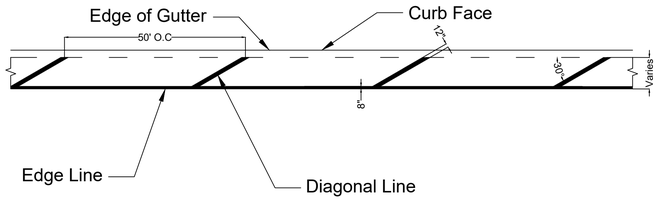
PREPARED IN THE OFFICE OF
CITY OF MONTEREY PARK, ENGINEERING DEPARTMENT

DATE DRAWN 8/27/2024

APPROVED ON 8/27 2024
BY: OKAN DEMIRCI, PE, ACTING CITY ENGINEER

SHEET 7 OF 8

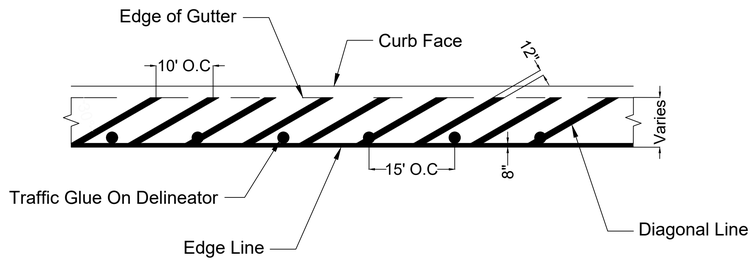
DRAWING NO. D-7



A / TYP — Typical Edge Line Striping
No Scale

NOTE:

1. EDGE LINE AND DIAGONAL LINE STRIPING MUST BE IN WHITE
2. DIAGONAL LINE MUST BE 12" WIDE
3. EDGE LINE MUST BE 8" WIDE



B / TYP — Typical Intersection Buffer Line Striping
No Scale

NOTE:

1. BUFFER LINE AND DIAGONAL LINE STRIPING AT THE INTERSECTION MUST IN WHITE.
2. GLUE ON DELINEATOR SHALL BE 42 INCH WITH 3 IN WIDE REFLECTIVE STRIPE.
3. DIAGONAL LINE MUST BE 12" WIDE.
4. EDGE LINE MUST BE 8" WIDE.

DESCRIPTION	UNITS	QUANTITY
R4-17	EA	17
W2-2	EA	4
DELINEATORS	EA	60
8" EDGE CURB	LF	4852



W 2-2 (24" x 24")



R 4-17 (24" x 30")



W 4-4P (24" x 24")

Not to Scale

REV.	DATE	DESCRIPTION	BY	CHECKED	APPRV'D

CITY OF MONTEREY PARK, CALIFORNIA

DESIGN
DRAWN BY A.M
CHECKED P.S
SCALE

FLORAL DRIVE TRAFFIC IMPROVEMENT DETAILS

PREPARED IN THE OFFICE OF
CITY OF MONTEREY PARK, ENGINEERING DEPARTMENT

DATE DRAWN 8/27/2024

SHEET 8 OF 8

APPROVED ON 8/27 2024
BY: OKAN DEMIRCI, PE, ACTING CITY ENGINEER

DRAWING NO. D-8

ATTACHMENT 2
RESOLUTION

RESOLUTION NO.

A RESOLUTION APPROVING THE DESIGN AND PLANS FOR FLORAL DRIVE TRAFFIC IMPROVEMENT – SHORT TERM PLAN PROJECT PURSUANT TO GOVERNMENT CODE § 830.6

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. The City Council finds and declares as follows:

A. City staff has prepared plans for the Floral Drive Traffic Improvement – Short Term Plan project.

B. The City Engineer reviewed the completed plans for the Project and agrees with staff that the plans are complete, and the Project may be constructed.

C. The City Council wishes to obtain the immunities set forth in Government Code § 830.6 with regard to the plans and construction of the Project.

SECTION 2. *Environmental Assessment.* The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities). The project results in minor alterations to existing public facilities involving no significant expansion of the existing use. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

SECTION 3. *Design Immunity; Authorization*.

A. The design and plans for the Project are determined to be consistent with the City's standards and are approved.

B. The design approval set forth in this Resolution occurred before actual work on the Project construction commenced.

C. The approval granted by this Resolution conforms to the City's General Plan.

D. The City Engineer, or designee, is authorized to act on the City's behalf in approving any alterations or modifications of the design and plans approved by this Resolution.

E. The approval and authorization granted by this Resolution is intended to avail the City of the immunities set forth in Government Code § 830.6.

SECTION 4. The City Clerk is directed to certify the adoption of this Resolution.

SECTION 5. This Resolution takes effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 4th day of September 2024.

_____
Thomas Wong, Mayor
City of Monterey Park

ATTEST:

_____
Maychelle Yee, City Clerk City of Monterey Park

APPROVED AS TO FORM: Karl H. Berger, City Attorney
REVIEWED BY:



_____
Solange Fortenbach, Deputy City Attorney

City Council Staff Report

DATE: September 4, 2024

AGENDA ITEM NO: Consent Calendar - 3K

TO: The Honorable Mayor and City Council

FROM: Shawn Igoe, Director of Public Works

SUBJECT: Bruggemeyer Library Improvements – Authorize Purchase of 26 New HVAC Units from Carrier Corporation

RECOMMENDATION:

It is recommended that the City Council consider:

1. Waiving the bidding requirements pursuant to Monterey Park Municipal Code Section 3.20.050(4), and authorizing the City Manager to execute a contract with Carrier Corporation, in a form approved by the City Attorney, not to exceed $332,435.72 for the purchase 26 New HVAC Units for the Bruggemeyer Library;
2. Authorizing the Director of Public Works to approve change orders and contingency up to $10,000; and
3. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of the extension under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). CEQA Guidelines §§ 15060(c)(2), 15061(b)(3), and 15378 exempt activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, activities where there is possibility that it may have a significant effect on the environment, and activities that do not constitute a "project" as defined, respectively. This activity contemplates purchasing equipment only. Subsequent installation and construction will be evaluated separately under CEQA. Accordingly, this activity is exempt from further review.

EXECUTIVE SUMMARY:

The Bruggemeyer Library HVAC units have reached the end of their useful service life and are due for replacement. Capital Improvement Project ("CIP") No. 95038 – Building Forward Library Facilities Improvements Program allows for the replacement of the City library's HVAC units. Staff recommends the City Council authorize the City Manager to waive bidding requirements and enter into an agreement, through Sourcewell cooperative pricing, with Carrier Corporation for the purchase of 26 HVAC units in the amount of $332,435.72, plus a contingency amount not to exceed $10,000.00.

BACKGROUND:
Bruggemeyer Library hosts approximately 800 to 1,000 visitors per day and is one of the City's designated cooling centers during extreme heat weather conditions. After decades of prolonged use, the Library's HVAC units have reached the end of their useful service life and require replacement. Through the receipt of grant funds in January 2024 from the California State Library, the City is able to move forward with The Building Forward Library Facilities Improvements Program, which allows for the replacement of 26 HVAC units at Bruggemeyer Library.

Through Sourcewell Contract # 070121-CAR, effective October 7, 2021, between Sourcewell and Carrier Global Corporation, Carrier Corporation was able to present an equipment quotation to the City for 26 HVAC units with Sourcewell pricing. The City is a member of Sourcewell, a purchasing cooperative that combines the purchasing power of multiple agencies into a cooperative purchasing group to secure lower prices than what a smaller agency may obtain through an individual bid. Sourcewell contracts are competitively solicited and meet public bidding requirements; accordingly, the City Council may authorize the purchase of 26 HVAC units via MPMC § 3.20.050(4) - which allows the City to forego bidding through a purchasing cooperative.

Staff recommends the City Council authorize the City Manager to purchase 26 HVAC units from Carrier Corporation in the amount of $332,435.72, plus a contingency amount not to exceed $10,000. The recommendation includes the purchase of equipment only. Staff will solicit bids for the installation of purchased HVAC units and seek City Council approval for award of contract.

2024-25 STRATEGIC PLAN GOAL:
The replacement of the HVAC units at the Bruggemeyer Library supports the City's goal to maintain City facilities to support the current and future needs of our city and community. Additionally, the project will allow for the library to continue to be a designated cooling center during extreme heat weather conditions.

FISCAL IMPACT:
The proposed purchase will be made through grant funds from the California State Library, Grant Number BF-23-004 budgeted under CIP No. 95038 – Building Forward Library Improvements. There are sufficient funds in CIP 95038 to purchase the proposed equipment for the total purchase price of $332,435.72, plus contingency amount not to exceed $10,000.00.

Respectfully submitted by:

Shawn Igoe
Director of Public Works

Reviewed by:

Martha Garcia
Director of Finance

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Justin A. Tamayo
Deputy City Attorney

ATTACHMENT:

1. Quotation

ATTACHMENT 1
QUOTATION

CALIFORNIA COMMERCIAL
205 S Puente St
Brea, CA 92821
(P) (714) 578-5200

EQUIPMENT QUOTATION

Contact:	Skyler Hecox	**Phone Number:**	
Company:	City of Monterey Park	**State or Non-State:**	Sourcewell # 39242
Address:	751 S. Alhambra Ave. Monterey Park, CA 91754	**Services:**	
Job Name:	City of MPK Library	**Quote Date:**	06/05/2024
Job Location:		**Quote Number:**	0824EMEL1654
Sourcewell Contract Number:	070121-CAR		

We at Carrier are pleased to quote the following equipment for the above referenced project in accordance with the above Sourcewell Contract Number and the attached terms and conditions.

Qty	Model Number	Description	Unit Sell	Total Sell
3	1259-OA	OUTSIDE AIR INTAKE HOOD	$156.00	$468.00
3	ADPT-0570-SD-W	Welded Adapter	$365.00	$1,095.00
1	1-4010-4158	Curb Adapter	$2,165.00	$2,165.00
1	1-4010-4008	Curb Adapter	$2,165.00	$2,165.00
1	48GCDM14A2A6-0A0A0	Weather Master Gas/Electric Rooftop The following items are included: 1. Two stage cooling 2. 460-3-60 3. 12.5 Tons 4. Low Gas heat 5. Standard 6. Direct drive, EcoBlue, medium static fan 7. Al/Cu cond. coil - Al/Cu evap coil 8. Electro-Mechanical Ctl W7212	$12,046.00	$12,046.00
3	48VLUK240403	PKG YAC G 13.4 SEER2 The following items are included: 9. 40,000 BTU/HR 10. 208/230-1-60V 11. 2 -Tons 12. Ultra Low Nox	$3,129.00	$9,387.00
6	48FCDM12A3A6-0A0A0	WeatherMaker Gas/Electric Rooftop The following items are included: 13. 460-3-60 14. Low gas heat 15. 10 Tons 16. Single circuit, two stage cooling 17. Standard Packaging 18. Direct drive, EcoBlue, high static fan 19. Al/Cu cond. coil - Al/Cu evap coil 20. Electro-Mechanical Ctl W7212	$9,884.00	$59,304.00
1	48FCDM24A2A6-0A0A0	Gas Heat Packaged Rooftop Unit The following items are included: 21. Standard Packaging 22. 460-3-60 23. Low Gas heat 24. 20 Tons 25. Two-Stage Cooling single circuit 26. Standard/Medium Static Option - Vertical Models 27. "Round Tube Plate Fin (RTPF) Al/Cu Condenser Coil, Al/Cu Evaporator Coil" 28. Electro-Mechanical Ctl W7212	$16,617.00	$16,617.00

Qty	Model Number	Description	Unit Sell	Total Sell
5	48FCDM07A2A6-0A0A0	YAC_STD_6T_460V/3PH/60HZ The following items are included: 29. 460-3-60 30. Low gas heat 31. 6 Tons 32. Single circuit, two stage cooling 33. Standard Packaging 34. Direct drive, EcoBlue, medium static fan 35. Al/Cu cond. coil - Al/Cu evap coil 36. Electro-Mechanical Ctl W7212	$5,146.00	$25,730.00
4	48FCDM09A2A6-0A0A0	YAC_STD_8.5T_460V/3PH/60HZ The following items are included: 37. 460-3-60 38. Low gas heat 39. 8.5 Tons 40. Single circuit, two stage cooling 41. Standard Packaging 42. Direct drive, EcoBlue, medium static fan 43. Al/Cu cond. coil - Al/Cu evap coil 44. Electro-Mechanical Ctl W7212	$8,635.00	$34,540.00
1	48FCDM16A2A6-0A0A0	YAC_STD_15T Conv_460V/3PH/60HZ The following items are included: 45. 460-3-60 46. Low gas heat 47. 15 Tons 48. Single circuit, two stage cooling 49. Standard Packaging 50. Direct drive, EcoBlue, medium static fan 51. Al/Cu cond. coil - Al/Cu evap coil 52. Electro-Mechanical Ctl W7212	$12,283.00	$12,283.00
4	48FCGA06A2A6-0A0A0	YAC_STD_5T_460V/3PH/60HZ The following items are included: 53. 460-3-60 54. Ultra low NOx low gas heat 55. 5 Tons 56. One stage cooling 57. Standard Packaging 58. Direct drive, EcoBlue, medium static fan 59. Al/Cu cond. coil - Al/Cu evap coil 60. Electro-Mechanical Ctl W7212	$5,220.00	$20,880.00
8	FREIGHT	Per Delivery Truck	$1,300.00	$10,400.00
1	PECD-SRT05CB-D2DH-4L1	PE,EC COMPLIANT VERT. W7220 ADB 460/3 MOD 1HP	$6,800.00	$6,800.00
6	PECD-SRT34CB-D2DH-4L2	PE,EC COMPLIANT VERT. W7220 ADB 460/3 MOD 2HP	$5,110.00	$30,660.00
1	ECC-MRT69CA-D2DH	CONVERTIBLE ECONOMIZER, HW ACTUATOR, ADB, W7220 LOGIC	$3,188.00	$3,188.00
1	PCC-MRT69CA-D-4L4	Power Exhaust	$8,755.00	$8,755.00
9	ECD-SRT12CB-D2DH	ECONOMIZER, DOWNSHOT, COMPLIANT, JADE 2 SPEED, ADB	$1,359.00	$12,231.00
4	PECD-SRT34CB-D2DH-4L1	PE,EC COMPLIANT VERT. W7220 ADB 460/3 MOD 1HP	$5,065.00	$20,260.00
1	PECD-SRT05CB-D2DH-4L3	PE,EC COMPLIANT VERT. W7220 ADB 460/3 MOD 3HP	$6,169.00	$6,169.00
1	38MBRBQ48AA3	DLS 48K 230V HP CDU,obs use 38MBRCQ48AA3	$4,663.00	$4,663.00
1	40MBABQ48XA3	DLS 48K HP IDU AHU - LC	$1,723.00	$1,723.00

Total Net Sell Price including sales tax:$332,435.72

QUOTATION NOTES:

(1) Pricing includes only those items identified above.
(2) This quote is good for 30 days.
(3) Please refer to the attached Terms and Conditions.
(4) For services, progress billing may be employed.

SPECIAL NOTES:

1.

We appreciate your consideration of this quotation and would like to thank you for your interest in Carrier products and services. Should you have any questions concerning the above quotation, please feel free to contact me personally.

ERIC MELENDEZ
CALIFORNIA COMMERCIAL
EMELENDEZ@SIGLERS.COM

CARRIER CORPORATION
TERMS AND CONDITIONS OF SALE – EQUIPMENT AND/OR SERVICE

1. PAYMENT AND TAXES - Payment shall be made net 30 days from date of invoice. Carrier reserves the right to require cash payment or other alternative method of payment prior to shipment or completion of work if Carrier determines, in its sole discretion, that Customer or Customer's assignee's financial condition at any time does not justify continuance of the net 30 days payment term. In addition to the price, Customer shall pay Carrier any taxes or government charges arising from this Agreement. If Customer claims that any such taxes or government charges do not apply to the transactions governed by this Agreement, Customer shall provide Carrier with acceptable tax exemption certificates or other applicable documents. All past due invoices will accrue interest at the lesser of 1% per month or the maximum amount allowable by law.

2. EXTRAS - Equipment, parts or labor in addition to those specified in this Agreement will be provided upon receipt of Customer's written authorization, paid for as an extra at Carrier's prevailing labor rates and equipment/parts charges, and subject to the terms of this Agreement.

3. RETURNS - No items will be accepted for return without prior written authorization. Returned goods may be subject to a restocking charge. Special order and non-stock items cannot be returned.

4. SHIPMENT - All shipments shall be F.O.B. shipping point, freight prepaid and allowed to the job site. Shipment dates quoted are approximate. Carrier does not guarantee a particular date for shipment or delivery.

5. PARTIAL SHIPMENT - Carrier shall have the right to ship any portion of the equipment, goods or other materials included in this Agreement and invoice Customer for such partial shipment.

6. DELAYS - Carrier shall not be liable for delays in manufacturing, shipping or delivery by causes beyond the control and without the fault or negligence of Carrier, including but not restricted to acts of God, acts of a public enemy, acts of government, acts of terrorism, fires, floods, epidemics, quarantine restrictions, freight embargoes, supplier delays, strikes, or labor difficulties (collectively "Force Majeure Events"). Carrier agrees to notify Customer in writing as soon as practicable of the causes of such delay. In the event that any materials or equipment to be provided by Carrier under this Agreement become permanently unavailable as a result of a Force Majeure Event, Carrier shall be excused from furnishing such materials or equipment.

7. WARRANTY - Carrier warrants that all equipment manufactured by Carrier Corporation and all Carrier equipment, parts or components supplied hereunder will be free from defects in material and workmanship. Carrier shall at its option repair or replace, F.O.B. point of sale, any equipment, part or component sold by Carrier and determined to be defective within one (1) year from the date of initial operation or eighteen (18) months from date of shipment, whichever is earlier. Carrier does not warrant products not manufactured by Carrier Corporation, but it does pass on to Customer any transferrable manufacturer warranties for those products. Carrier warrants that all service provided by Carrier hereunder shall be performed in a workmanlike manner. In the event any such service is determined to be defective within ninety (90) days of completion of that service, Carrier shall at its option re-perform or issue a credit for such service. Carrier's obligation to repair or replace any defective equipment, parts or components during the warranty period shall be Customer's exclusive remedy. Carrier shall not be responsible for labor charges for removal or reinstallation of defective equipment, parts or components, for charges for transportation, handling and shipping or refrigerant loss, or for repairs or replacement of such equipment, parts or components, required as a consequence of faulty installation, misapplication, vandalism, abuse, exposure to chemicals, improper servicing, unauthorized alteration or improper operation by persons other than Carrier. THIS WARRANTY IS GIVEN IN LIEU OF ALL OTHER WARRANTIES, EXPRESS, IMPLIED OR STATUTORY INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

8. WORKING HOURS - All services performed under this Agreement, including but not limited to, major repairs, are to be provided during Carrier's normal working hours unless otherwise agreed.

9. CUSTOMER RESPONSIBILITIES (Service Contracts only) - Customer shall:

- Provide safe and reasonable equipment access and a safe work environment.
- Permit access to Customer's site, and use of building services including but not limited to: water, elevators, receiving dock facilities, electrical service and local telephone service.
- Keep areas adjacent to equipment free of extraneous material, move any stock, fixtures, walls or partitions that may be necessary to perform the specified service.
- Promptly notify Carrier of any unusual operating conditions.
- Upon agreement of a timely mutual schedule, allow Carrier to stop and start equipment necessary to perform service.
- Provide adequate water treatment.
- Provide the daily routine equipment operation (if not part of this Agreement) including availability of routine equipment log readings.
- Where Carrier's remote monitoring service is provided, provide and maintain a telephone line with long distance direct dial and answer capability.
- Operate the equipment properly and in accordance with instructions.
- Promptly address any issues that arise related to mold, fungi, mildew or bacteria.
- Identify and label any asbestos containing material that may be present. The customer will provide, in writing, prior to the start of a job, a signed statement regarding the absence or presence of asbestos for any job where the building or the equipment to be serviced is older than 1981. Should this document state that no asbestos is present, the customer will also provide in writing the method used to determine the absence of asbestos.

10. EXCLUSIONS - Carrier is not responsible for items not normally subject to mechanical maintenance including but not limited to: duct work, casings, cabinets, fixtures, structural supports, grillage, water piping, steam piping, drain piping, cooling tower fill, boiler tubes, boiler refractory, disconnect switches and circuit breakers. Carrier is not responsible for repairs, replacements, alterations, additions, adjustments, repairs by others, unscheduled calls or emergency calls, any of which may be necessitated by negligent operation, abuse, misuse, prior improper maintenance, vandalism, obsolescence, building system design, damage due to freezing weather, chemical/electrochemical attack, corrosion, erosion, deterioration due to unusual wear and tear, any damage related to the presence of mold, fungi, mildew, or bacteria, damage caused by power reductions or failures or any other cause beyond Carrier's control. Carrier shall not be required to perform tests, install any items of equipment or make modifications that may be recommended or directed by insurance companies, government, state, municipal or other authority. However, in the event any such recommendations occur, Carrier, at its option, may submit a proposal for Customer's consideration in addition to this Agreement. Carrier shall not be required to repair or replace equipment that has not been properly maintained.

11. EQUIPMENT CONDITION & RECOMMENDED SERVICE (Service Contracts only) - Upon the initial scheduled operating and/or initial annual stop inspection, should Carrier determine the need for repairs or replacement, Carrier will provide Customer in writing an 'equipment condition' report including recommendations for corrections and the price for repairs in addition to this Agreement. In the event Carrier recommends certain services (that are not included herein or upon initial inspection) and if Customer does not elect to have such services properly performed in a timely fashion, Carrier shall not be responsible for any equipment or control failures, operability or any long-term damage that may result. Carrier at its option will either continue to maintain equipment and/or controls to the best of its ability, without any responsibility, or remove such equipment from this Agreement, adjusting the price accordingly.

12. PROPRIETARY RIGHTS (Service Contracts only) - During the term of this Agreement and in combination with certain services, Carrier may elect to install, attach to Customer equipment, or provide portable devices (hardware and/or software) that shall remain the personal proprietary property of Carrier. No devices installed, attached to real property or portable device(s) shall become a fixture of the Customer locations. Customer shall not acquire any interest, title or equity in any hardware, software, processes, and other intellectual or proprietary rights to devices that are used in connection with providing service on Customer equipment.

13. DATA RIGHTS (Service Contracts only) - Customer hereby grants and agrees to grant to Carrier a worldwide, non-exclusive, non-terminable, irrevocable, perpetual, paid-up, royalty free license to any Source Data, with the right to sub-license to its affiliates and suppliers for (i) Carrier's performance of services pursuant to this Agreement, (ii) the improvement of Carrier services, and Carrier's Analytics Platform; (iii) improving product performance, operation, reliability, and maintainability; (iv) to create, compile, and/or use datasets and/or statistics for the purposes of benchmarking, development of best practices, product improvement; (v) the provision of services to third parties, (vi) research, statistical, and marketing purposes, and/or (vii) in support of Carrier agreements.

Source Data – shall mean data that is produced directly from a system, or device and received at a collection point or a central server (e.g. a Carrier database, data lake, or third party cloud service).

Analytics Platform – shall mean server algorithms or web interface systems used to (i) interpret, convert, manipulate, or calculate data, (ii) perform data processing, and/or (iii) the delivery of data to Carrier, affiliates or suppliers of Carrier, and/or Customer.

14. RETURN OF DATA (Service Contracts only) - Customer understands and acknowledges that the portable devices will collect Source Data that will be stored on and/or transmitted to Carrier's servers and to suppliers or affiliates that are contracted by Carrier and used to transmit, process, extract or store such Source Data for purposes of Carrier's performance of the service in accordance with this Agreement. Once such data and information has been stored and/or transmitted to Carrier's servers, Customer agrees that such data and information shall become part of Carrier's database and therefore subject to the license terms under section 13.

15. DATA DELIVERY - During the term of the Agreement Customer shall (i) make reasonable efforts to ensure that the hardware remains powered on, (ii) avoid intentional action to impede, block or throttle collection and transmission of Source Data by Carrier, and (iii) avoid intentional action to disable, turn off, or remove the hardware without Carrier's express written consent, which consent shall not be unreasonably withheld.

16. REVERSE ENGINEERING - Customer shall not extract, decompile or reverse engineer any software included with, incorporated in, or otherwise associated with the hardware and shall not reverse engineer any reports or analytics provided to or received by Customer from Carrier.

17. WAIVER OF DAMAGES - Under no circumstances shall Carrier be liable for any indirect, incidental, special or consequential damages, including loss of revenue or profit, loss of use of equipment or facilities, loss of data, or economic damages howsoever arising.

18. LIMITATION OF LIABILITY - Carrier's maximum liability for any reason (except for personal injuries) arising from this Agreement shall not exceed the value of the payments received by Carrier under this Agreement.

19. CANCELLATION - Customer may cancel this Agreement only with Carrier's prior written consent, and upon payment of reasonable cancellation charges. Such charges shall take into account costs and expenses incurred, and purchases or contract commitments made by Carrier and all other losses due to the cancellation including a reasonable profit.

20. CUSTOMER TERMINATION FOR CARRIER NON-PERFORMANCE - Customer shall have the right to terminate this Agreement for Carrier's non-performance provided Carrier fails to cure such non-performance within thirty (30) days after having been given prior written notice of the non-performance. Upon early termination or expiration of this Agreement, Carrier shall have free access to enter Customer locations to disconnect and remove any Carrier personal proprietary property or devices as well as remove any and all Carrier-owned parts, tools and personal property. Additionally, Customer agrees to pay Carrier for all incurred but unamortized service costs performed by Carrier including overheads and

a reasonable profit.

21. CARRIER TERMINATION - Carrier reserves the right to discontinue its service any time payments have not been made as agreed or if alterations, additions or repairs are made to equipment during the term of this Agreement by others without prior agreement between Customer and Carrier.

22. CLAIMS - Any lawsuits arising from the performance or nonperformance of this Agreement, whether based upon contract, negligence, strict liability or otherwise, shall be brought within one (1) year from the date the claim arose.

23. GOVERNMENT PROCUREMENTS - The components, equipment and services provided by Carrier are "commercial items" as defined in Section 2.101 of the Federal Acquisition Regulations ("FAR"), and the prices of such components, equipment and services are based on Carrier's commercial pricing policies and practices (which do not consider any special requirements of U.S. Government cost principles, FAR Part 31, or any similar procurement regulations). As such, Carrier will not agree to provide or certify cost or pricing data, nor will Carrier agree to comply with the Cost Accounting Standards (CAS). In addition, no government procurement regulations, such as FARs or DFARs, shall apply to this Agreement except those regulations expressly accepted in writing by Carrier.

24. HAZARDOUS MATERIALS - Carrier is not responsible for the identification, detection, abatement, encapsulating or removal of asbestos, products or materials containing asbestos, similar hazardous substances, or mold, fungi, mildew, or bacteria. If Carrier encounters any asbestos or other hazardous material while performing this Agreement, Carrier may suspend its work and remove its employees from the project, until such material and any hazards associated with it are abated. The time for Carrier's performance shall be extended accordingly, and Carrier shall be compensated for the delay.

25. WASTE DISPOSAL - Customer is wholly responsible for the removal and proper disposal of waste oil, refrigerant and any other material generated during the term of this Agreement.

26. SUPERSEDURE, ASSIGNMENT and MODIFICATION - This Agreement contains the complete and exclusive statement of the agreement between the parties and supersedes all previous or contemporaneous, oral or written, statements. Customer may assign this Agreement only with Carrier's prior written consent. No modification to this Agreement shall be binding unless in writing and signed by both parties. Orders shall be binding upon Carrier when accepted in writing by an authorized representative of Carrier. CARRIER'S ACCEPTANCE OF CUSTOMER'S ORDER IS CONDITIONED UPON CUSTOMER'S ACCEPTANCE OF THE TERMS AND CONDITIONS SET FORTH HEREIN (THIS "AGREEMENT") AND CUSTOMER'S AGREEMENT TO BE BOUND BY AND COMPLY WITH THIS AGREEMENT. THIS AGREEMENT AND ALL REFERENCED ATTACHMENTS CONSTITUTE THE ENTIRE AGREEMENT BETWEEN CARRIER AND CUSTOMER, AND NO AMENDMENT OR MODIFICATION SHALL BE BINDING ON CARRIER UNLESS SIGNED BY AN OFFICER OR AUTHORIZED EMPLOYEE OF CARRIER. THE FAILURE OF CARRIER TO OBJECT TO PROVISIONS CONTAINED IN ANY PURCHASE ORDER OR OTHER DOCUMENT OF CUSTOMER SHALL NOT BE CONSTRUED AS A WAIVER BY CARRIER OF THE TERMS IN THIS AGREEMENT OR AN ACCEPTANCE OF ANY OF CUSTOMER'S PROVISIONS. **ANY CONFLICTING OR ADDITIONAL TERMS OR CONDITIONS SET FORTH BY CUSTOMER IN A PURCHASE ORDER OR OTHER DOCUMENT SHALL NOT BE BINDING UPON CARRIER, AND CARRIER HEREBY EXPRESSLY OBJECTS THERETO**.

27. CUSTOMER CONSENT - Customer consents and agrees that Carrier may, from time to time, publicize Carrier related projects with Customer, including the value of such projects, in all forms and media for advertising, trade, and any other lawful purposes.

28. FOR WORK BEING PERFORMED IN CALIFORNIA - Contractors are required by law to be licensed and regulated by the Contractors' State License Board which has jurisdiction to investigate complaints against contractors if a complaint regarding a patent act or omission is filed within four years of the date of the alleged violation. A complaint regarding a latent act or omission pertaining to structural defects must be filed within 10 years of the date of the alleged violation. Any questions concerning a contractor may be referred to the Registrar, Contractors' State License Board, P.O. Box 26000, Sacramento, California 95826.

29. INTELLECTUAL PROPERTY – Notwithstanding anything to the contrary stated herein, Carrier retains ownership of its intellectual property and no license to Carrier's intellectual property is granted except as necessary for Customer to use any deliverables and/or services provided hereunder.

30. DATA PRIVACY – Carrier processes personal data in accordance with its privacy notice at Carrier.com or via the following link: https://www.carrier.com/carrier/en/worldwide/legal/privacy-notice. Each party will comply with applicable data privacy laws governing personal information collected and processed under this Agreement, including the California Consumer Privacy Act and the European General Data Protection Regulation, and take all reasonable commercial and legal steps to protect personal data. If Customer provides Carrier with personal data, Customer will ensure that it has the legal right to do so, including notifying the individuals whose personal data it provides to Carrier. If a party collects or processes personal data from California residents under this Agreement, such party is a "Service Provider" under the CCPA, and will not sell or exchange such personal data for anything of value.

31. FACTORY ACCEPTANCE TESTS AND INSPECTIONS – The nature and extent of factory acceptance tests or factory inspections, including without limitation, the number and identity of participants, locations visited, and activities undertaken, shall be limited to activities directly related to the performance of this Agreement. The tests or inspections will be subject to mutual agreement of the parties, Carrier policy and internal pre-approval requirements, and strictly comply with Customer's policies as well as all applicable laws and regulations including, without limitation, all applicable laws and regulations prohibiting corruption.

32. CHANGE ORDER / ADDITIONAL WORK / PRICE ADJUSTMENTS – Carrier will not perform additional work until such time as Carrier

receives a change order, duly executed by each party, setting forth the scope and an agreed upon price for the additional work, as well as any appropriate adjustments to the delivery schedule. Additional work and/or materials supplied under any change order shall be subject to the terms of this Agreement. The price of services performed under this Agreement is subject to change due to increases in material costs related to tariffs, import duties, trade policy, epidemics, commodity or material costs, supplier costs, labor costs, or related impacts or market conditions. Such change shall come into effect on thirty (30) days' prior written notice from Carrier to Customer.

33. OCCUPATIONAL SAFETY AND HEALTH (Service Contracts Only) – Carrier and Customer agree to notify each other immediately upon becoming aware of an inspection under, or any alleged violation of, the Occupational Safety and Health Act ("OSHA") relating in any way to the performance of work under this Agreement, the project or the job site.

34. ANTI-DISCRIMINATION POLICY –The Carrier Fostering a Respectful and Safe Work Environment policy is incorporated into these terms via this link:
https://www.carrier.com/commercial/en/us/media/carrier-anti-discrimination-harassment-policy-02192021_tcm199-109848.pdf.

35. EQUIPMENT RENTALS – If all or a portion of this Agreement is for equipment rental, the Carrier Rental Systems Master Terms and Conditions – Rental, available at
https://www.carrier.com/rentals/en/us/rental-equipment/rental-forms/,
shall apply to the rental equipment.

${proposal.acceptance.block}

City Council Staff Report

DATE: September 4, 2024

AGENDA ITEM NO: Consent Calendar - 3L

TO: The Honorable Mayor and City Council

FROM: Shawn Igoe, Director of Public Works

SUBJECT: Receive and File Staff Report Summarizing the Status of the Emergency Repairs of the Water Main at Brightwood Street and Terminate of Local Emergency

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receiving and filing the staff report summarizing the status of emergency repairs of the water main at Brightwood Street;
2. Adopting a resolution terminating the local emergency governing the emergency repairs of the water main at Brightwood Street; and
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On August 5, 2024, City Council adopted Resolution 2024-R63 authorizing the City Manager to take necessary measures for emergency repair of a water main line on Brightwood Street. Construction is near complete. It is recommended that City Council adopt a resolution terminating the local emergency. This staff report also serves as a status of the work that has been completed.

BACKGROUND:

Pursuant to Resolution No. 2024-R63, the City Manager exercised emergency powers to repair the water main line at Brightwood Street. The affected area of the main line leak included 250 residences, many commercial properties, nineteen fire hydrants, and seven fire lines. In addition to the damaged water transmission line, several valves to the area were found to be inoperative. Loss of water supply for fire protection and failed valves placed the neighborhood at potential risk.

As a result, the City took immediate action required by that emergency to procure the necessary equipment, services, and supplies to complete the repair, without giving notice for bids to execute contracts. Preliminary work started on August 5, 2024 with major construction work completed on August 27, 2024.

Construction took place on August 15, 2024. Water service was shut down at 7 PM and turned back on at 11 AM on August 16, 2024. Water Division staff went door-to-door to notify the affected residents at the following addresses:

1. 1800-2000 block of S. Atlantic Blvd.
2. 800-1100 block of Brightwood Blvd.
3. 1300-2000 block of Sunrise Dr.
4. 1400 block of Sunrise Pl.
5. 900-1100 block of College View Dr.
6. 900 block of College View Ln.
7. 900-1100 block of Moonbeam Dr.
8. 900-1100 block of Hillvale Dr.
9. 900-1100 block of Glenview Terrace
10. 1500-1600 block of Dell Dr.
11. 940 El Repetto Dr.

Work completed includes the repair of a 14-inch steel water main at 1001 Brightwood Street and replacement of two large valves at the intersection of South Atlantic Boulevard and Brightwood Street. Total costs for the completed work is estimated at $115,000.

FISCAL IMPACT:
There is no cost to receive and file this staff report.

Respectfully submitted by:

Shawn Igoe,
Director of Public Works

Reviewed by:

Martha Garcia
Director of Finance

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENT:
1. Draft Resolution

ATTACHMENT 1
Draft Resolution

RESOLUTION NO.

A RESOLUTION ADOPTED BY THE CITY COUNCIL TERMINATING THE BRIGHTWOOD STREET WATERLINE REPAIR LOCAL EMERGENCY

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

A. Pursuant to Resolution No. 2024-R63 ("Emergency Resolution") the City Manager exercised emergency powers to complete repairs of the water main line at Brightwood Street.

B. Repair of Water Main on Brightwood Street ("Project") is identified as repair of 14-inch pipeline at the 1100 block of Brightwood Street.

C. The circumstances necessitating the declaration of an emergency no longer exist and the local emergency is terminated, effective immediately.

SECTION 2: *Ratification.* The City Council received regular reports regarding the Project and is fully informed regarding all actions undertaken by the City Manager to protect public health and safety. Accordingly, the City Council ratifies and reaffirms the exercise of emergency powers since 2024 to protect public health and safety.

SECTION 3: *Termination of Local Emergency*. The Brightwood Street Waterline Repair local emergency is terminated.

SECTION 3: *Electronic Signatures*. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 4: *Recordation*. The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 5: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 4th day of September, 2024.

_____
Thomas Wong, Mayor

ATTEST:

_____
Maychelle Yee, City Clerk

APPROVED AS TO FORM:



_____
Karl H. Berger, City Attorney

City Council Staff Report

DATE: September 4, 2024

AGENDA ITEM NO: Public Hearing - 4A

TO: Honorable Mayor and City Council

FROM: Jessica Serrano, Director of Community Development

SUBJECT: Consideration and possible action to adopt a Resolution approving a second one-year time extension for Conditional Use Permit (CUP-18-01) to construct 40-unit senior citizen housing development at 130-206 South Chandler Avenue.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Opening a public hearing to receive documentary and testimonial evidence;
2. After closing the public hearing and considering the evidence, adopt a resolution approving a time extension for Conditional Use Permit (CUP-18-01); and
3. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of the extension under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). CEQA Guidelines §§ 15060(c)(2), 15061(b)(3), and 15378 exempt activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, activities where there is possibility that it may have a significant effect on the environment, and activities that do not constitute a "project" as defined, respectively. This activity contemplates extending the expiration date of a conditional use permit. Accordingly, this activity is exempt from further review. Additionally, the environmental impacts regarding this request were adequately reviewed in accordance with the IS/MND adopted by Resolution No. 12135. Consequently, the findings set forth in Section 3 of Resolution No. 12135 are incorporated by reference as if fully set forth.

EXECUTIVE SUMMARY:

Latigo Canyon Development, LLC ("Applicant") requests a second one-year extension for Conditional Use Permit (CUP-18-01). CUP-18-01 was approved by the City Council on February 5, 2020 to allow a 40-unit senior housing development. During the COVID-19 Pandemic (the "Pandemic"), the City Council, among other things, extended the expiration of all entitlements, including CUP-18-01, until April 1, 2023. On May 17, 2023, the Council adopted Resolution No. 2023-R40 which granted the Applicant a one-year time extension until April 1, 2024, to allow additional time to record the final map and exercise the CUP related to the construction of 40 senior housing units. It is in the best interest of the City to grant this time extension because the Applicant is demonstrating

good faith efforts towards meeting the requirements for the construction of new housing units that will help provide additional housing opportunities for the community and meet the goals set forth in the General Plan, Housing Element ("HE"). Adopting the proposed resolution will retroactively extend the expiration date for CUP-18-01 from April 1, 2024, to April 1, 2025.

TYPE OF ACTION (LEGISLATIVE; QUASI-JUDICIAL; OR ADVISORY)

Quasi-judicial: The recommended action is to extend the expiration date of a Conditional Use Permit ("CUP"). In considering such action, the City Council acts in a quasi-judicial role. While doing so, the City Council acts like a court: it applies facts gathered during a public hearing to existing law. Just like a court, the City Council can only consider facts that are relevant to the case. A party appearing before the legislative body is entitled to:

- Notice of the proposed action;
- Reasons for the action;
- A copy of the evidence on which the action is based; and
- The right to respond before a reasonably impartial, noninvolved reviewer.

If the City Council asks irrelevant questions and bases its decision-making on such questions, a court may overturn the City Council's decision and hold the City potentially liable for violating the Applicant's constitutionally protected due process rights.

In the matter of the CUP time extension, the City Council must find that good cause exists to grant a time extension pursuant to MPMC § 21.32.160.

BACKGROUND:

Between 2016 and 2020, the City Council considered renditions of the Applicant's proposal to develop a 40-unit senior citizen housing condominium development at 130-206 South Chandler Avenue (APN Nos. 5257-004-019, 5257-004-020, and 5257-004-021) (the "Property") which included an application for a zone change, CUP-18-01, and Tentative Map No. 73741 (TM-18-01) (collectively, the "Project").[1]

On February 5, 2020, the City Council (among other items) adopted Resolution No. 12135 which approved the Project. This Resolution allows the Applicant to build the senior housing development. Ordinarily, this conditional use permit would have expired February 5, 2021.

The Pandemic interrupted most land use time periods. Because of that emergency, the City Council adopted Ordinance No. 2219 in 2022 which authorized the City Manager to determine how different land use approvals were affected by the Pandemic. After reviewing CUP-18-01, the City Manager determined that the expiration date would be

[1] Decisions regarding these previous project proposals are reflected in the administrative record (see, e.g., Resolution No. 11897; Planning Commission Resolution No. 04-19; and City Council meeting minutes from April 17, 2019, May 15, 2019, June 5, 2019, December 18, 2019, and February 5, 2020).

April 1, 2023.

Thereafter, the Applicant filed an application for a first one-year extension of TM-18-01 and CUP-18-01 to allow the applicant additional time to record the final map and exercise the CUP related to the construction of the 40-unit senior housing development. On May 17, 2023, the Council adopted Resolution No. 2023-R40 which granted the Applicant a one-year time extension for CUP-18-01 and TM-18-01 until April 1, 2024.

On March 18, 2024, the Community Development Director received a request from the Applicant for a second one-year time extension for CUP-18-01 and TM-18-01. On August 12, 2024, the Council adopted Resolution No. 2024-R64, which granted the Applicant an additional one-year extension for TM-18-01 until April 1, 2025. Although the extension requests for CUP-18-01 and TM-18-01 were submitted at the same time, the TM-18-01 was considered by the City Council separately due to a 60-day limitation on the validity of tentative map after an extension request is filed pursuant to Government Code § 66452.6. Without City Council action, TM-18-01 would have expired on August 12, 2024.

The Applicant is demonstrating good faith efforts and progress towards meeting the requirements for obtaining permits to begin construction of the new housing units and for the final map associated with this project. To date, the Applicant has submitted construction plans to the Building & Safety Division and the plans are undergoing review. Additionally, the Applicant submitted grading, utility, low impact development (LID), and street improvement plans to the Engineering Division for review to comply with the requirements associated with the tentative map.

It is in the best interest of the City to grant this time extension because the Project will help achieve the goals set forth in the HE and provide much needed housing to the community. The Project was listed as a pipeline lower income project in the Housing Sites Inventory (Appendix B) of the HE to accommodate the City's Regional Housing Needs Assessment (RHNA) allocation of 5,257 units for the 2021-2029 planning period. Additionally, approval of this extension request is consistent with Goal Three of the HE which seeks to encourage the development of new housing for households of all income levels. The Project will provide affordable senior housing units making it consistent with Goal Three of the HE.

Given the City's interest in meeting the goals set forth in the HE and promoting residential development within the City, it is recommended that the City Council consider retroactively extending the conditional use permit's expiration date from April 1, 2024 to April 1, 2025.

Legal Notification: The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center and published in Monterey Park Press on August 22, 2024, with affidavits of posting on file. A total of 87 notices were mailed to property owners within 300' of the project site.

2024-25 STRATEGIC PLAN GOAL:

Adopting the draft resolution would advance a strategic plan goal to "Strengthen our local economy and enhance housing opportunities" by enabling the construction of housing units to add to the City's housing stock and provide more affordable housing in the City.

FISCAL IMPACT:

No fiscal impacts are anticipated. The Applicant paid for required fees to process this request.

Respectfully submitted and prepared by:

Jessica Serrano
Director of Community Development

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Justin A. Tamayo
Deputy City Attorney

ATTACHMENTS:

1. Draft Resolution extending CUP-18-01

ATTACHMENT 1
Draft Resolution extending CUP-18-01

RESOLUTION NO.

A RESOLUTION APPROVING A SECOND ONE-YEAR EXTENSION FOR CONDITIONAL USE PERMIT (CUP-18-01) TO DEVELOP A 40-UNIT SENIOR CITIZEN HOUSING DEVELOPMENT AT 130-206 SOUTH CHANDLER AVENUE

The City Council of the City of Monterey Park does resolve as follows:

SECTION 1: The City Council finds as follows:

A. On March 18, 2024, Latigo Canyon Development, LLC, (the "Applicant") filed a written request for a second one-year time extension for its Conditional Use Permit (CUP-18-01) allowing a 40-unit senior citizen housing development (the "Project") at 130-206 South Chandler Avenue (the "Property").

B. The City reviewed the Applicant's request as to environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the "CEQA Guidelines").

C. The Community Development Department completed its review and scheduled a public hearing regarding the application before City Council on September 4, 2024.

D. Notice of Public Hearing before the City Council was duly given and published in the time, form, and manner as required by law.

E. On September 4, 2024, the City Council opened a public hearing to receive and consider public testimony and other evidence regarding the Project including, without limitation, information provided to the City Council by the Applicant.

F. The City Council considered the information provided by the City Planner, public testimony, and the Applicant. This Resolution, and its findings, are made based upon the evidence presented to the City Council at its September 4, 2024, hearing including, without limitation, the staff report submitted by the City Planner.

SECTION 2: *Environmental Assessment.* The City reviewed the environmental impacts of the extension under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). CEQA Guidelines §§ 15060(c)(2), 15061(b)(3), and 15378 exempt activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, activities where there is possibility that it may have a significant effect on the environment, and activities that do not constitute a "project" as defined, respectively. This activity contemplates extending the expiration date of a conditional use permit. Accordingly, this activity is exempt from further review. Additionally,

the environmental impacts regarding this request were adequately reviewed in accordance with the IS/MND adopted by Resolution No. 12135. Consequently, the findings set forth in Section 3 of Resolution No. 12135 are incorporated by reference as if fully set forth.

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SECTION 3: *Findings*.

A. On February 5, 2020, the City Council adopted Resolution No. 12135 approving CUP-18-01 filled by the Applicant.

B. As provided in Ordinance No. 2219 (adopted April 6, 2022), land use approvals were suspended during the COVID-19 Pandemic. Pursuant to Ordinance No. 2219, the City Manager determined that CUP-18-01's expiration date was April 1, 2023 (rather than February 5, 2021).

C. On February 21, 2023, the City Council adopted Resolution No. 2023-R40 granting the Applicant's one-year time extension request for CUP-18-01, extending the expiration date for CUP-18-01 to April 1, 2024.

D. The Applicant filed a second one-year time extension and represented that it was delayed because of increase in construction costs and time needed with securing funding for the project.

E. The Project will provide the City with much-needed housing.

F. Among other things, the Project will help implement the Monterey Park General Plan, Housing Element ("HE") including, without limitation:

1. The Project was listed as a pipeline lower income project in the Housing Sites Inventory (Appendix B) of the HE to accommodate the City's Regional Housing Needs Assessment (RHNA) allocation of 5,257 units for the 2021-2029 planning period. Allowing the entitlement which allows the Project will set back the City from meeting its RHNA allocation, particularly for the lower income category.

2. Approval of this extension request is consistent with Goal Three of the HE which seeks to encourage the development of new housing for households of all income levels. The Project will provide affordable senior housing units making it consistent with Goal Three of the HE.

G. Allowing CUP-18-01 to expire without additional City Council consideration is not in the public interest.

SECTION 4: *Approval*. The City Council finds good cause to extend Conditional Use Permit CUP-18-01 for one-year retroactive from April 1, 2024, to April 1, 2025, to secure construction permits and commence construction of the Project.

SECTION 5: Construction. This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the City Council's intent that the provisions of

this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 6: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *Limitations*. The City Council's analysis and evaluation of the Project is based on the best information currently available. It is inevitable that in evaluating a Project that absolute and perfect knowledge of all possible aspects of the Project will not exist. One of the major limitations on analysis of the Project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: *Severability*. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provision or application and, to this end, the provisions of this Resolution are severable.

SECTION 9: *Preservation*. This Resolution does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Resolution's effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 10: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 11: *Effective Date.* This Resolution becomes effective immediately upon adoption and memorializes the City Council's final decision made on September 4, 2024. Note that persons dissatisfied with the City Council's decision may appeal it in accordance with applicable law to the Los Angeles Superior Court within 90 days of the City Council's decision.

SECTION 12: The City Clerk is directed to mail a copy of this Resolution to the Applicant and to any other person requesting a copy.

SECTION 13: *Recordation*. The Mayor, or, presiding officer, is authorized to affix its signature to this Resolution signifying its adoption by the City Council of the City of Monterey Park, and the City Clerk, or its duly appointed deputy, is directed to attest thereto.

SECTION 14: *Electronic Signatures*. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

(Mayor signature and attestation must be on the same page.)

PASSED AND ADOPTED this 4th day of September, 2024.

_____
Thomas Wong, Mayor

ATTEST:

_____
Maychelle Yee, City Clerk

APPROVED AS TO FORM:
Karl H. Berger, City Attorney

_____
Justin A. Tamayo, Deputy City Attorney

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF MONTEREY PARK, CALIFORNIA, DECLARING AND PROCLAIMING SEPTEMBER 15 THROUGH OCTOBER 15, 2024 AS NATIONAL HISPANIC HERITAGE MONTH

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

A. September 15, 2024, marks the beginning of National Hispanic Heritage Month and is a time to celebrate the Hispanic/Latino community's history, cultures, and integral contributions to growing and strengthening our democracy.

B. Hispanic Heritage Week was initially observed in 1968 under President Lyndon Johnson and was expanded by President Ronald Reagan in 1988 to a month-long celebration beginning on September 15 and ending on October 15.

C. This 30-day celebration spans two months to observe the significant victories for the Hispanic/Latino community including the independence of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua on Sept. 15; Mexico on Sept. 16; and Chile on Sept. 18. In addition, Día de la Raza is also observed on October 12.

D. Since 1988, the United States has celebrated Hispanic/Latino culture with the greater community to highlight the rich heritage, arts, histories, food, music, and traditions of Latin American nations while honoring and paying tribute to all for their contributions to our City and society.

E. Hispanics/Latinos account for 19.1% of the total United States population and are the largest racial and ethnic group in California at 39.4% of the state population. In the City of Monterey Park, Hispanics/Latinos account for 27.1% of the population (approximately 15,685 individuals). Hispanic/Latino Americans represent a vibrant and thriving part of our diverse community.

F. Hispanics/Latinos have profoundly and positively influenced the United States and Monterey Park through centuries-old traditions and customs that are embraced and valued in our City. Their histories and cultures stretch centuries, and the contributions of those who come to our community add new chapters to our City's history.

G. The 2024 theme for National Hispanic Heritage Month is "Pioneers of Change: Shaping the Future Together" which encapsulates the spirit of innovation, resilience, and unity that define the Hispanic experience. The theme recognizes all Hispanics/Latinos who have been trailblazers and game-changers and those who have paved the way for future generations.

H. The City of Monterey Park is committed to recognizing Hispanic/Latino culture and heritage as essential to its robust and inclusive community and will continue to advocate for Hispanics/Latinos as representation matters.

I. The City of Monterey Park invites members of the public to partake in National Hispanic Heritage Month festivities that will be held throughout the City starting September 19, 2024. Celebrations include Mariachi performances at the Farmer's Market, movie days, field trips, and various family activities. More information can be found on the City's website at: https://www.montereypark.ca.gov/Calendar.aspx?EID=10392&month=9&year=2024&day=19&calType=0

J. The Monterey Park City Council encourages all residents, organizations, businesses, and public entities to honor and recognize the contributions made and the significant presence of Hispanic and Latino Americans in the United States and celebrate their heritage and culture and hereby proclaims September 15 through October 15, 2024, as National Hispanic Heritage Month.

SECTION 2: *Electronic Signatures*. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 3: *Recordation*. The Mayor, or presiding officer, is authorized to sign this Resolution, signifying its adoption by the City Council of the City of Monterey Park, and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 4: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 4th day of September 2024.

_____
Thomas Wong, Mayor

Attest:

_____
Maychelle Yee, City Clerk